DEC 5 1980

968-H-1

J26.2:J98/7

U.S. Department of Justice
Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency Prevention

Juvenile Justice: Before and After the Onset of Delinquency

United States Discussion Paper for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

ORIGINAL

COMPLETED

For Sale By Superintendent of Documents

A

U.S. Department of Justice
Law Enforcement Assistance Administration
Office of Juvenile Justice and Delinquency Prevention

National Institute for Juvenile Justice and Delinquency Prevention

Juvenile Justice: Before and After the Onset of Delinquency

United States Discussion Paper for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention
Ira M. Schwartz
Administrator

1980

B

JUVENILE JUSTICE: BEFORE AND AFTER THE ONSET OF DELINQUENCY

United States Discussion Paper for the
Sixth United Nations Congress on the
Prevention of Crime and the
Treatment of Offenders

Prepared by
Office of Juvenile Justice and
Delinquency Prevention

c

TABLE OF CONTENTS

FOREWORD iii

INTRODUCTION 1

I. BACKGROUND: THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 2

- A. Compliance with Deinstitutionalization Mandate . . . 6
- B. Compliance with Separation Mandate 6
- C. Legislative Compliance 7
- D. Recent Developments. 7

II. DELINQUENCY PREVENTION 11

- A. Background 11
- B. Recent Developments. 12
  - Self-Reported Delinquency 12
  - Victimization 13
  - Official Records 16
  - Special Studies 17

III. THE JUVENILE JUSTICE SYSTEM 20

- A. Background 20
- B. Court Handling 23
- C. Correctional Handling 25
  - Use of Jails and Police Lockups 25
  - Detention and Institutionalization 28
  - Juveniles in Adult Prisons 30
- D. Handling of Particular Categories of Youth 31
  - Status Offenders 31
  - Serious Offenders 34
  - Minorities 35

E. Special Studies 37

IV. ALTERNATIVES TO JUVENILE JUSTICE SYSTEM PROCESSING 41

A. Background 41

B. Special Studies. 41

V. CURRENT ISSUES AND NEEDED DIRECTIONS 46

A. Deinstitutionalization 46

B. Removal of Juveniles From Jail and Police Lockups. . 47

C. Serious Juvenile Crime 47

D. Minorities in the Juvenile Justice Systems 48

E. Role of the Juvenile Court 48

F. Role of Corrections. 49

G. Waiver of Juveniles in Adult Court 50

H. Due Process. 51

I. Return of Juvenile Justice to the Juvenile System of Justice. 51

J. Standards Implementation and Model Legislation Development. 51

K. Delinquency Prevention 52

APPENDIX: Office of Juvenile Justice and Delinquency Prevention 54

Concentration of Federal Effort 55
Formula Grants Program/Technical Assistance 59
Special Emphasis Program 61
National Institute for Juvenile Justice and Prevention 73

FOREWORD

This paper, developed for the Sixth U.N. Congress on the Prevention of Crime and Treatment of Offenders, was prepared by the Office of Juvenile Justice and Delinquency Prevention (OJJDP)* of the United States Department of Justice.

The OJJDP is pleased to have had the opportunity to prepare this U.S. discussion paper on juvenile justice--since, for the first time, this topic is included as an area of focus in the U.N. Congress. It is appropriate that OJJDP perform this task since it is the lead Federal agency in the U.S. with responsibility for juvenile justice.

The OJJDP is appreciative of all the resources contributed to this document. In particular, I am grateful to Dr. James C. Howell, Director of the OJJDP's National Institute for Juvenile Justice and Delinquency Prevention, for assembling it.

Ira M. Schwartz
Administrator
Office of Juvenile Justice
and Delinquency Prevention

---

*The views and opinions expressed in this report do not necessarily represent the official position of the U.S. Department of Justice.

INTRODUCTION

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (P.L. 93-415) established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the U.S. Department of Justice. For the first time in the history of this country, juvenile justice had been made a Congressional priority. This legislation called for major reforms in current practices relating to the administration of juvenile justice.

This paper attempts to assess current practices in the juvenile justice field against the backdrop of priorities the Congress set forth in the JJDP Act. Before doing so, it briefly describes the legislative history and major provisions of this important legislation. Then it presents a concise review of current general developments, in the three areas of juvenile justice: delinquency prevention, involvement of youth in the juvenile justice system, and alternatives to juvenile (and adult) justice system processing. This review is followed by a brief discussion of major issues which the juvenile justice field currently faces. Finally, attention is focused on particular priorities embodied in the JJDP Act that require concerted action.

I. BACKGROUND: THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974*

The JJDP Act of 1974 was developed during a 4-year investigation of the U.S. Government's response to juvenile delinquency, conducted by the U.S. Senate Subcommittee to Investigate Juvenile Delinquency, under the direction of Senator Birch Bayh. Supported by citizen and youth advocacy groups across this country and by strong bipartisan majorities in the U.S. Congress, this legislation was designed primarily to help States, localities, and public and private agencies establish and maintain effective delinquency prevention programs, divert juveniles from the formal juvenile justice system, and provide community-based alternatives to traditional detention and correctional facilities (training or reform schools). In addition, the Act called for a Federal commitment to provide leadership in the field, to coordinate Federal juvenile justice programs (so they would not work at cross-purposes), and to develop national policies with respect to using the Nation's resources to deal with all aspects of the juvenile delinquency problem. Thus, for the first time in U.S. history, there was created a Federal agency with primary responsibility for spearheading a concerted Federal effort focused on this important social problem.

The Senate Subcommittee to Investigate Juvenile Delinquency found that injustice frequently results when young people become involved in the U.S. juvenile justice system; that the system does not provide the kind of individualized justice promised by reformers who were instrumental in its creation as an alternative to the adult system at the turn of the century; that it does not adequately help the many noncriminal "status offenders"** brought under its jurisdiction; and that it does not adequately protect communities from crime. Further, the Subcommittee found that the plethora of Federal programs in the juvenile justice-related area lacked leadership, direction, and resources; and that existing policy perpetuated costly and counterproductive responses to juvenile delinquency.

---

* For a detailed discussion of the early legislative history and provisions of the JJDP Act, see John M. Rector, "Juvenile Justice: A Congressional Priority," Judicature, vol. 61, no. 1, June-July 1977, pp. 8-14. This subsection is largely excerpted from that article.

** Youth so labeled are accused of committing or have committed an offense which would not be an offense if committed by an adult (such as running away from home, school truancy, curfew violations, disobedience, unruliness, and many other troublesome behaviors).

The Congress had come to realize that the juvenile justice reforms in the United States at the turn of the century had gone awry. At that time a separate system of justice for juveniles emerged out of a concern that children should not be exposed to the harsh realities of the adult criminal justice system: public trials, prisons, etc. Individualized justice, coupled with a therapeutic approach, was favored. Those who supported the establishment of the first juvenile court (in Chicago, 1899) argued that:

> We make criminals out of children who are not criminals by treating them as if they were criminals. That ought to be stopped. What we should have, in our system of criminal jurisprudence, is an entirely separate systems of courts for children, in large cities, who commit offenses which would be criminal in adults. We ought to have a "children's court" in Chicago, and we ought to have a "children's judge," who should attend to no other business. We want some place of detention for those children other than a prison...No child ought to be tried unless he has a friend in court to look after his real interests. There should be someone there who has the confidence of the judge, and who can say to the court, "Will you allow me to make an investigation of this case? Will you allow me to make a suggestion to the court?"*

In 1966 the U.S. Supreme Court decided its first landmark juvenile justice case. For the first time in the history of the U.S., the basic philosophy and practices of the juvenile court were reviewed. The Court concluded:

> While there can be no doubt of the original laudable purpose of the juvenile courts, studies and critiques in recent years raise serious questions as to whether actual performance measures well enough against theoretical purpose to make tolerable the immunity of the process from the constitutional guarantees applicable to adults...There is evidence, in fact, that there may be grounds for concern that the child receives the worse of two possible worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.**

---

*Anthony M. Platt, The Child Savers, Chicago: University of Chicago Press, 1969, p. 132.

**383, U.S., 541, 1966.

The Congress also recognized that far too many juveniles were being locked up in the U.S.; that the bulk of youths detained (in detention centers, jails, and police lockups) and incarcerated (in the State farms, camps, and training schools) did not require such secure placements. It also recognized that most youths might be better off if the state did not intervene in their lives at all. The Act reflected the view of many juvenile justice professionals and others that such detention and correctional facilities often serve as "schools for crime," thereby turning out hardened criminals. Thus, the Congress intended that the juvenile justice system (especially detention and incarceration) be reserved for that small proportion of youth who commit serious/violent offenses. Such youths probably constitute not more than 5 to 10 percent of all youth presently incarcerated.

In general, in an effort to ameliorate the above problems, the JJDP Act was intended to encourage and support the development of appropriate alternatives which would fill the gap between ignoring illegal behavior and continuing excessive incarceration. In addition, it called for increased emphasis on due process procedural safeguards; youth and citizen involvement in the planning, design, implementation, and evaluation of programs for children; youth advocacy efforts; recognition of children's rights and responsibilities under the law; strengthened community efforts to prevent delinquency; diversion programs; and development of community-based alternatives to detention, jailing, and incarceration.

More specifically, the Act required States receiving funds under its authority (according to a formula based on their population under 18 years of age) to comply with three important provisions:

> Sec. 223(a)(12) provide within two years after submission of the plan* that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;
>
> (13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined, in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

---

*In order to receive formula grant funds States are required to submit a plan for their expenditure which meets the approval of the administering Federal agency, the OJJDP.

> (14) provide for an adequate system of monitoring jails, detention facilities, and correctional facilities to insure that the requirements of sections 223(12) and (13) are met, and for annual reporting of the results of such monitoring to the OJJDP Administrator. . . .

Failure to accomplish the deinstitutionalization mandate (12) would result in termination of any State's eligibility to receive formula grant funds. States were expected to comply immediately with the separation requirement (13).

The Juvenile Justice Amendments of 1977 (P.L. 95-115) included several changes to the above sections of the Act. It was made clear that Congress intended in 1974 that the deinstitutionalization requirement applied to nonoffenders (youths who are generally the victims of various circumstances--dependent, neglected, abused, etc.) as well as to status offenders; and the prohibition against regular contact among incarcerated delinquent and adult offenders was broadened to include status and nonoffenders. Confusing language was also deleted from Sec. 223(a)(12) which appeared to direct that all status and nonoffenders be placed in "shelter facilities." As was originally intended in 1974, this amendment would permit States to make use of appropriate nonsecure, small community-based alternatives to juvenile detention and correctional facilities--such as home detention, group homes, and foster homes. Finally, because of difficulties encountered in accomplishing the deinstitutionalization mandate, the time frame for its accomplishment was extended to encompass a reasonable period of time not exceeding an additional 2 years, provided that a State was found to be in "substantial compliance" (achievement of not less than 75 percent compliance within 3 years of the beginning date of their participation under the Act) and had made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance (within an additional 2 years).

These stringent legislative requirements are unprecedented at the Federal level in the U.S. throughout the crime and delinquency field. Their stringency reflects the view of the Congress that the evolution of the juvenile justice system in the U.S. had, in the past century, resulted in excessive and abusive use of incarceration under the rubric of acting "in the best interests of the child." Since such practices had prevailed for such a long period of time, the Congress found Federal intervention necessary to correct them.

The following is a brief overview of the extent to which the States have come into compliance with the JJDP Act provisions since establishment of the OJJDP in 1975.*

---

*For a description of the OJJDP see the Appendix to this paper.

Before presenting the results of compliance reviews by OJJDP, some background information is helpful regarding the level of participation* under the JJDP Act among the United States. The initial year was fiscal year (FY) 1975, with 39 States and territories participating for the full fiscal year. During FY 1976, 4 additional States and and territories began participation, resulting in a total of 43 participating States. A total of 51 States and territories participated during FY 1979. To date, during 1980 no State has withdrawn; thus 51 States and territories continue participation.

Section 223(a)(14) requires States to provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and nonsecure facilities to insure that the requirements of Secs. (12) and (13) are met, and for annual reporting of the results of such monitoring to the Administrator of OJJDP. December 31 of each year has been established as the date for submitting the annual monitoring report.

Of the 51 participating States and territories, 37 continually participated since 1975 and were thus required to achieve substantial compliance with Section 223(a)(12) of the Act to maintain eligibility for FY 1980 formula grant funds. The other 14 States are required to demonstrate substantial compliance to maintain eligibility for FY 1981 and subsequent formula awards.

A. COMPLIANCE WITH DEINSTITUTIONALIZATION MANDATE

As of May 1980, 50 States and territories had demonstrated progress toward deinstitutionalization compliance, with 34 demonstrating substantial compliance (e.g., a 75 percent reduction in the number of status offenders and nonoffenders held in juvenile detention or correctional facilities). OJJDP cannot determine the progress made in one State. This should be rectified upon receipt of information clarifying the 1979 report by the State. Seven States, although counted in one of the above categories, have not yet demonstrated substantial compliance after completing the 3-year time frame, and thus have not received the FY 1980 formula award.

B. COMPLIANCE WITH SEPARATION MANDATE

There are 17 States and territories reporting compliance with Section 223(a)(13) of the Act regarding separation of juveniles and adults. Twenty-four other States and territories reported progress in the area of separation, while six reflected no progress. OJJDP could not determine that progress was made in six States due to a lack of sufficient information or the unavailability of data. This should be rectified upon receipt of the 1979 report or upon receipt of clarifying information.

---

*"Participation" refers to States receiving formula (according to population under 18) awards following submission and approval of State program plans for expenditure of funds provided under the JJDP Act.

C. LEGISLATIVE COMPLIANCE*

Another indicator of State compliance with the deinstitutionalization and separation requirements of the JJDP Act is the extent to which they have put in place legislation (juvenile statutes or codes) consistent with the Federal law.

Deinstitutionalization. Legislative changes in the States' juvenile codes with respect to deinstitutionalization of status and nonoffenders have been rapid over the past few years.

In June of 1980, OJJDP completed a review of the 50 States' juvenile codes in order to determine the extent to which they were in "legislative compliance."** This analysis revealed that 16 States are in "general" statutory compliance with the deinstitutionalization requirement.

Separation. Legislative changes in the separation area have been less rapid than in the deinstitutionalization area. Nevertheless, as of April 1980, two States (Maryland and Pennsylvania) have enacted statutes which absolutely prohibit the placement of juveniles in any facility with adults. In addition, 31 States provide for various restrictions on placement of juveniles at either preadjudication or postadjudication stages in any secure facility in which adults convicted or awaiting trial are housed; 6 States (Illinois, Kansas, Louisiana, Maine, Mississippi, and Montana) have restrictions for preadjudication commingling, and 3 States (Colorado, Virginia, and Wyoming) have restrictions on postadjudication commingling. The remaining 8 States (Delaware, Hawaii, Kentucky, Nebraska, Nevada, Oklahoma, South Dakota, and Utah) apparently have no restrictions in their juvenile or family court statutes on placement of juveniles in the same facility or room with adults.

The above analysis of statutory compliance with respect to separation revealed that 33 States are in "general" compliance.

D. RECENT DEVELOPMENTS

In the course of developing the 1977 Amendments to the JJDP Act the Congress gave more specific direction to OJJDP generally, and particularly with respect to the above provisions.* Noting that these provisions dealing with deinstitutionalization of status and nonoffenders, separation of juvenile and adult offenders, and monitoring of facilities are central to the Act, the U.S. Senate Judiciary Committee expressed its hope that fuller implementation of these provisions would be realized. To this end the Committee indicated its expectation that the OJJDP would take action to improve the situation with respect to State compliance with the monitoring requirements and urged additional technical assistance in this area.

---

*This legislative update is provided in a draft paper entitled, "Status Offenses and the Juvenile Justice System: Progress and Problems," by David J. Berkman and Charles P. Smith, American Justice Institute, Sacramento, May 16, 1980.

**The results are reported in a draft report entitled State Legislative Compliance with the JJDP Act: 1980 Statutes Analysis, by John Hutzler and Thomas Vereb, National Center for Juvenile Justice, Pittsburgh, June, 1980.

At the same time, the Senate Judiciary Committee urged the OJJDP to take a more targeted approach with its limited resources--to support those program areas most primarily related to the priority focuses of the Act, namely alternatives to incarceration, youth advocacy, and restitution.

The U.S. Congress is currently considering reauthorization of the JJDP Act, which will culminate in amendments to the Act effective October 1, 1980. While this process is not yet complete, it is anticipated that the Act will be reauthorized and that the Congress will remain firm on its deinstitutionalization and separation policies. Furthermore, there is the possibility that a new mandate will be added to require removal of juveniles from adult jails and police lockups.

The proposed removal provision was the subject of testimony on March 19, 1980, by Deputy Attorney General Charles B. Renfrew before the U.S. House of Representatives Subcommittee on Human Resources of the Education and Labor Committee. Mr. Renfrew credited the JJDP separation requirement with decreasing the inappropriate placement of juveniles in all types of institutional settings, including jails and lockups. However, he pointed out that the minimum standards of "sight and sound" separation of juveniles and adults in jails and lockups do not go far enough. He noted that statistics indicate that 18 percent of those youths jailed had not even committed a criminal-type offense. Four percent had committed no offense at all. Eighty-eight percent of juveniles in jail for criminal-type offenses are there on property and minor charges. Mr. Renfrew called the situation a "national catastrophe."

Even in those jails and lockups that have attempted separation, juveniles are exposed to the possibility of physical and sexual abuse by adult inmates. Further, jails usually do not provide even the minimum services required to meet the special needs of juveniles.

---

*See especially the Report of the Committee on the Judiciary, U.S. Senate, Juvenile Justice Amendments of 1977, 95th Congress, 1st Session, U.S. Government Printing Office, 1977.

The impact of jail on children, Mr. Renfrew pointed out, is illustrated by statistics which show that the suicide rate for juveniles incarcerated in adult jails during 1978 was approximately seven times the rate for children held in secure juvenile detention facilities.

The argument for removal of juveniles from adult jails and lockups is buttressed by a growing number of court decisions which have found that placing juveniles in jails violates their right to treatment, constitutes a denial of due process, and amounts to cruel and unusual punishment.

The factors which prompted the Deputy Attorney General's proposal included information on inappropriate placements, the evidence of harm, the growing body of constitutional law, and the belief that properly planned and implemented removal of juveniles from all adult jails and lockups is economically feasible.

In addition to the Justice Department, the following organizations, as members of the National Coalition for Jail Reform, have called for the complete removal of juveniles from adult jails and lockups: American Correctional Association; National Sheriff's Association; National Association of Counties; National League of Cities; National Association of Blacks in Criminal Justice; and the American Civil Liberties Union. Others supporting the amendment include the National Council of Juvenile and Family Court Judges, the Association of Junior Leagues, the National Council on Crime and Delinquency, and the Child Welfare League of America.

As reported for consideration to the U.S. House of Representatives by the Education and Labor Committee, the House Bill (H.R. 6704) would add a new Sec. 223(a)(14) to the Act as follows:

> (14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults. . . .

As explained in the Education and Labor Committee Report on the Juvenile Justice Amendments of 1980*:

> The committee bill would add a new section 223(a)(14) to current law to require the removal of juveniles from jails and lockups for adults. States participating in the formula grant program would have five years from the enactment of the Juvenile Justice Amendments of 1980 to achieve compliance with this new provision. States that are in substantial compliance with the requirement after five years, through the achievement of at least 75 percent removal of juveniles from

---

*U.S. House of Representatives, 96th Congress, 2d Session, Rept. No. 96-946, U.S. Government Printing Office, p. 24.

> jails and lockups for adults, may be given up to two additional years to achieve full compliance if the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable period of time not to exceed two years. . . .

The bill reported to the U.S. Senate for consideration by the Senate Judiciary Committee did not contain a similar provision. It is anticipated that the issue of whether or not the final version of the Juvenile Justice Amendments of 1980 requires removal of juveniles from jails and police lockups will be resolved by the Joint U.S. Senate and House of Representatives Conference Committee, following the Amendments' passage by both Houses of Congress.

II. DELINQUENCY PREVENTION

A. BACKGROUND

The JJDP Act also made delinquency prevention a Federal priority. The emphasis is clearly stated in the "Purpose" section of the Act:

> 102(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

Prior to its enactment into law in the JJDP Act of 1974, a substantial Federal effort in the prevention area had not existed. Congress had previously mandated the most specific prevention effort through the Juvenile Delinquency Prevention Act of 1972 (P.L. 92-381). However, the Federal responsibility for this area was fragmented. While the Department of Health, Education, and Welfare (HEW)--which administered the above Act--had major prevention authority under this legislation, the Department of Justice had considerable authority under the Omnibus Crime Control and Safe Streets Act--for which the Law Enforcement Assistance Administration (LEAA) had implementation responsibility. Consequently, the focal point of the Federal Government's delinquency prevention activity was unclear until the JJDP Act gave LEAA and its OJJDP primary responsibility and the authority to coordinate the activities of other Federal agencies in this and other delinquency-related areas.

The JJDP Act's emphasis on delinquency prevention reflected the view of the Congress that the juvenile justice system of the U.S. was overcrowded; that it should be reserved for the handling of youth who had committed offenses of such seriousness as to warrant official action by its agents of formal control; that most youth would be better off if left alone; and that delinquency prevention is a community responsibility. Thus, consistent with the new Federal policy on development of alternatives to incarceration, the Congress called for community-based prevention programs.

Implicit in this policy was the concept of delinquency prevention programing as focusing on youths who had not yet come into contact with the juvenile justice system. Therefore, the foundation was laid for a concept of prevention which focused on delinquent behavior. This was not an insignificant development since considerable confusion existed at the time (and still does to a lesser degree) as to what constituted prevention programs. Even correctional agencies with responsibility for administering juvenile reform schools operated (and still do in many States) so-called prevention programs. OJJDP's policy is to locate delinquency prevention programs outside the formal justice system.

B. RECENT DEVELOPMENTS

Emphasis has been placed for the past decade in the U.S. on use of three national sources of information for development of the extent and nature of juvenile delinquency: (1) self-reported* measures, (2) victimization surveys, and (3) official records.

1. Self-Reported Delinquency

The first national survey of self-reported delinquency in the U.S. was conducted in 1967, the second in 1972, under the sponsorship of the National Institute of Mental Health (NIMH) of the U.S. Department of Health, Education, and Welfare. A more extensive survey was undertaken in 1977 under joint sponsorship of NIMH and OJJDP's National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP).

This study was designed to provide nationwide, self-reported information on the incidence, distribution, patterns, and styles of delinquent behavior among a national sample of approximately 1,725 youth aged 11-17. The study also includes an examination of the relationships between drug use (including alcohol) and other kinds of delinquent behavior, and factors associated with changes in patterns of drug use and delinquency. The data reported herein are taken from the first survey completed in 1977. Subsequent surveys have been made in 1978, 1979, and 1980, and another is to be conducted in 1981.

Preliminary examination of 1977 survey data has revealed several interesting and, in some cases, unexpected findings. As with most previous self-report studies, differences were found in the level of delinquency involvement among males and females. Consistent with other studies, the results indicated that male adolescents engage in significantly more delinquent activity than female adolescents. Males reported more involvement in delinquency than females in every behavioral category. More specifically, substantial sex differences were observed with respect to involvement in predatory crimes against persons, predatory crimes against property, public disorder crimes and status offenses. Among males, older youth (13-17) reported greater involvement in delinquency than the younger youth (11-12). For females, the major increase in delinquency involvement comes with entry into the 16-17 age category. No differences in the level of delinquent behavior were found for females aged 11-12 and 13-15; however, those aged 16-17 reported approximately twice the number of offenses as those 11-15 years old. For males, the major increase occurs for those entering the 13-15 age group. The oldest males (16-17) reported fewer offenses than the 13-15 year olds.

---

*Self-report studies use the method of asking youth what delinquent behaviors they have committed, rather than relying on other sources as indicators of delinquency--typically police or court records.

It is interesting to note that for status offenses, a different pattern emerges. While male youth involvement in classic street crimes (robbery, burglary, assault) appears to decline in later teen years, there is nearly a two-fold increase in the number of status offenses reported among 13-15- and 16-17-year-old males (with the latter group showing the higher level of involvement).

Preliminary findings with respect to drug use indicate that youth are increasingly beginning to use drugs at a younger age. Major findings include the following: (1) beer is the drug most frequently used; (2) a higher proportion of upper class youth use beer, wine, hard liquor, and marijuana than lower classes; (3) the reverse is true for the other illicit drugs, including inhalants, angel dust, and amphetamines; and (4) use of most illicit drugs correlates positively with use of others, thus forming an "illicit drug cluster."

The results of this National Youth Survey, when compared with results from previous nationwide surveys of self-reported delinquency, indicate that the number of youth running away from home has increased steadily since 1967, when only 2.5 percent reported running away one or more times in the prior year. By 1972, the number was 4.6 percent; and by 1977, 5.9 percent.

Such comparisons have also revealed that the level of delinquent behavior has remained about the same over the past decade. This finding contradicts the popular misconception that juvenile delinquency has been increasing over this period. According to these surveys, it has not.

The subsequent analyses of data from this survey will include comparisons among the results of each of the five annual surveys (1977-81).

2. Victimization

LEAA has sponsored national victimization surveys since 1973. Each of these surveys has included youth respondents where appropriate. The survey also produces data on youth, both as victims and offenders. However, this survey does not contain a national sample of youth which is representative of all youth in the U.S.

The major purpose of NIJJDP-sponsored research in this area is to develop a comprehensive descriptive analysis of the involvement of juveniles in illegal behaviors in which victims come face-to-face with offenders (rape, personal and commercial robbery, assault and personal larceny) by analyzing the National Crime Survey (NCS) victimization data for the period 1973-1977. Some of the more significant areas being addressed are: changes in the rate of criminal victimization by juvenile offenders; changes in the nature of seriousness of crimes by juvenile offenders; changes in race, sex, and age of juvenile offenders; and comparison of the results from analyzing the victimization data with findings from studies using self-report measures of delinquency and studies examining official records.

The first phase of the project was devoted to examining trends in the criminal behavior of juveniles (under 18 years of age), youthful offenders (18-20 years old), and adults (21 or older). Major findings from this research follow.

- In the period from 1973 to 1977, the total number and rate of personal crimes attributable to juveniles and youthful offenders remained relatively stable, although there was a slight increase in the number and rate of personal crimes attributable to adults.
- Although the number of offenders involved in incidents varied substantially by type of crime, groups of three or more offenders were generally found much more often among juveniles than among adults.
- There was a systematic increase in the use of weapons as the offender age group increased. In personal crimes guns were rarely used by juveniles, and there was no evidence that among juveniles weapon use generally, or gun use specifically, increased between 1973 and 1977.
- Overall, there were no substantial differences in the rate, the seriousness, or the type of injury sustained in crimes committed by juveniles, youthful offenders, or adults. In addition, among all three offender age groups, the rate of physical injury to victims did not increase between 1973 and 1977.
- Among youthful offenders and adults, the percent of victimizations involving injury increased as the number of offenders involved in the incident increased.
- Among all offender age groups, theft occurred most often if two offenders were involved, less often if there were three or more offenders, and least often if only one offender was involved.

- In the total population, the risk of being victimized by a juvenile offender was less than one-half the risk of being victimized by an adult offender. Victimizations committed by adults were also more serious than those by juveniles.

- An individual's age is a strong correlate of his or her risk of being victimized by juveniles, youthful offenders, or adults.

- The risk of criminal victimization by juveniles is greater among other juveniles. Young people--12- to 19-year-olds--face a far greater risk of being victims of juveniles than of adults. However, when young people are victimized, their victimizations are most serious when adult offenders, not juvenile offenders, are involved.

- The elderly are more than twice as likely to be victimized by adults as by juveniles; moreover, victimizations committed against the elderly were least serious when juvenile offenders were involved.

- The relationship between sex and the risk of victimization by juveniles, youthful offenders, and adults varied somewhat with the age of the victim. In every age group in the United States, the male risk of victimization by youthful offenders and adults was greater than the female risk. However, in every age group over 19 years old, the female risk of victimization by juveniles was greater than the male risk.

- Blacks in the United States had consistently higher rates of total personal victimization by juveniles, youthful offenders, and adults than did whites, and they also were consistently victims of more serious crimes. Racial differences in the risk of victimization were greatest when adults were the offending group.

- Males had a rate of offending about 4 to 15 times that of females (depending on the offender's age group)--a finding consistent with both arrest and self-reported delinquency data.

- The rate of offending was greatest in the 18- to 20-year-old group.

- Trend data for the 1973 to 1977 period indicate that the overall decline in juvenile rates of offending are attributable primarily to a decline in rates of offending among black juveniles.

- Male offenders victimized males in about 7 out of 10 personal crimes, regardless of offender age. Female offenders increasingly victimized males as age increased.

- For all personal crimes except larceny, the age of the offender was correlated with the age of the victim.
- Although white offenders victimized whites almost exclusively, black offenders victimized whites in a majority of personal crimes.
- Stranger-to-stranger offenses were more likely when the victim was male, older, and of a different race than the offender.*

3. Official Records

The third source of national data on the extent and nature of juvenile delinquency is official records kept by juvenile justice agencies, especially police arrests and juvenile court referrals. Although the relationship between estimates of delinquency using self-report studies and official records is as yet unknown, it is clear that the latter grossly underestimate the extent of nonserious delinquency. Approximately 80-90 percent of all youth under age 18 at one time or another commit an offense for which they could be arrested, yet only about 3 percent of such offenses are brought to the attention of the police. Those offenses which could, but do not, result in arrests are referred to as "hidden" or undetected delinquency. Nevertheless, official records are assumed to be rather accurate for the purpose of estimating serious/violent youth criminality.

With respect to national arrest trends, there was a 22.7 percent increase in the number of arrests of persons 7-17 between 1969 and 1977. Over the same period the population at risk had decreased by 4 percent. Thus the rate of arrests per 100,000 population was up 27.8 percent.

It is important to note, however, that there appears to be a decrease or a leveling off in the arrests of persons 7 to 17, beginning with 1974. The estimated arrest totals for all offenses in the above age group dropped in 1974, 1975, and 1976. There was some increase, however, in 1977 when the number of arrests was 2,449,134. Nevertheless, the apparent decrease or stabilization is particularly marked in the serious offense category where the arrest totals were 973,503 in 1974, but only 924,262 in 1977.

---

*The above findings are reported in a draft report entitled Analysis of National Crime Victimization Survey Data to Study Serious Delinquent Behavior--Juvenile Criminal Behavior: An Analysis of Rates and Victim Characteristics, by Michael J. Hindelang and M. Joan McDermott, Criminal Justice Research Center, Albany, N.Y., 1980.

4. Special Studies

The following are significant studies in this area sponsored by OJJDP/NIJJDP.

In 1977, a replication of the original Delinquency in a Birth Cohort* study was begun. Whereas the original study involved an examination of the incidence and nature of delinquency among 10,000 males born in 1945 who resided in Philadelphia from the ages of 10 through 18, the replication study population (approximately 35,000) includes children born in 1958 who attended school in Philadelphia between the ages of 10 and 17. The analyses will focus on such areas as overall delinquency rates, demographic and school correlates of delinquency, patterns of delinquent careers, and the effects of various sanctions on the probabilities of subsequent offenses.

In 1976, NIJJDP had funded follow-up research to the original Philadelphia "birth cohort" study, entitled "Offender Careers and Restraint: Probabilities and Policy Implications." This project consisted of studying a sample of the earlier research group about 15 years later. The study is based on a 10 percent sample (975) of the original cohort of 10,000 males from the earlier study. Data on demographic characteristics, official and self-reported offense histories, dispositions, and sanctions through age 30 were analyzed. The major findings follow. (1) Approximately 15 percent of the total sample was responsible for 80-85 percent of serious crimes. (2) Chronic offenders (5 or more police contacts), who constituted 6 percent of the sample, accounted for 51 percent of all offenses and 60 percent of all serious personal and property offenses. (3) As age increases, seriousness of offense increases. Up to 18, the level of offense seriousness is relatively low. It increases significantly during the early adult years. (4) The deterrence-restraint potential of incarceration is greatest for chronic offenders (five or more offenses) and for young adults aged 19-22.

A second major study of delinquent careers under OJJDP/NIJJDP sponsorship began in 1977. Entitled Predicting Adult Careers from Juvenile Careers, it is designed to provide information on the relationship of juvenile delinquent careers to adult criminal careers, to determine if various alternative decisions by the authorities or the juvenile have helped to continue or discontinue delinquent careers, and to suggest at what time in juvenile careers intervention can be most effective. Three youth cohorts, born in 1942, 1949, and in 1955 in Racine, Wisconsin, are being studied.

---

*All persons studied having been born in a given year.

The major findings to date are as follows: (1) 5 percent of the white males studied accounted for over 70 percent of the felony offenses; (2) 12 percent of the white males accounted for all police contacts of white males for felonies; (3) concentration of serious offenses among blacks and Chicanos was less than among whites (however, a small proportion among each was responsible for most of their felonies); and (4) minorities (blacks and Chicanos) were disproportionately represented (in comparison with their representation in the overall population) among those referred to court and those placed in correctional institutions. The highest frequency of police contact of males for serious offenses was at age 15. This declined steadily to age 21 and then remained stable among older age groups. It was also determined that most youth have only one police contact during their adolescence. Both environment (living in an inner city) and police contact at an early age (for either juveniles or adults) appear to be related to a longer, more serious delinquent or criminal career.

Delinquency in Illinois. A major study of delinquency in Illinois was completed in 1978, at the Institute for Juvenile Research in Chicago. This 3-year study involved analyzing data collected during 1972 through a statewide survey of a random sample of over 3,000 youth aged 14-18, and a field study of Illinois communities and social institutions. Delinquency involvement was measured through self-reports by the youths surveyed and correlated with such factors as family, peer group, community, and school influences.

The results of this study have shed new light on the nature of delinquency. Among the major findings were the following: (1) contrary to popular conceptions based on arrest data, youngsters reporting delinquent behavior (other than armed robbery) are nearly as likely to be white as black; just about as likely to be a girl as a boy, as likely to live anywhere in Illinois as in highly urbanized Chicago, and just as likely to come from an intact as a broken home; (2) peer group pressure is the single most important factor in determining the presence or absence of delinquent behavior; (3) the community context serves as an important mediating influence in delinquency--particularly in the case of violent conduct; and (4) much of delinquency arises out of youth responses to contradictions or tensions displayed by authority figures in the family, school, and juvenile justice system.

These findings suggest that future delinquency prevention programing should have a major focus on peer group dynamics and on the interactions between authority figures and youth, particularly in the school context. In the latter area, this research supports the need to change the way society views youth. A double standard of behavior for adults and youth appears to increase the likelihood of delinquency.

The results of this research have been applied to the design of a research and development project in Illinois. It is designed to illuminate more precisely the contribution of authority to delinquency in the school experience at the point of youths' transition from elementary to junior high school.

Learning Disabilities and Juvenile Delinquency. OJJDP/NIJJDP sponsored a systematic nationwide assessment of the relationship between juvenile delinquency and learning disabilities. This research was stimulated by emergence of the increasingly popular notion that learning disabilities might be a significant cause of delinquency. It was conducted by the American Institutes for Research, resulting in the report entitled The Link Between Learning Disabilities and Juvenile Delinquency: Current Theory and Knowledge.

The major conclusion of the assessment was that the nature of the relationship between learning disabilities and delinquency is unclear. Among the recommendations made were the following: that OJJDP/NIJJDP examine the incidence of learning disabilities among delinquent and nondelinquent youth, and that an R&D project be undertaken which also would include a learning disability remediation program and an evaluation of its effectiveness. NIJJDP developed a R&D program based on the results of the assessment, designed to document the relative prevalence of learning disabilities among delinquent and officially nondelinquent populations, and to evaluate remediation programing for delinquent learning-disabled youths.

The preliminary results of the prevalence study suggest that learning-disabled youth are not more delinquent than non-learning-disabled juveniles (based on youths' self-reports of their behavior). However, learning-disabled youth are twice as likely to be adjudicated delinquent.

Interim findings from the evaluation of the remediation program for adjudicated delinquents show that the program appears to be modestly effective in treatment of learning-disabilities in certain skill areas after approximately 10 months of program operation. We are now taking the next program development step in this area; that is, application of the results in a demonstration program. A learning disability component has been incorporated into the OJJDP New Pride Replication program--a community-based program for serious juvenile offenders.

Two other program development implications based on this research are important to note. First, the preliminary finding that learning-disabled youth are disproportionately referred to the juvenile justice system suggests that future programing in the learning disability area should include remediation in the schools; and, second, provisions for training in the use of procedures in the juvenile justice system for identifying and referring learning-disabled youth to remediation opportunities seems to be required.

III. THE JUVENILE JUSTICE SYSTEM

A. BACKGROUND

The following is a brief description of the so-called "juvenile justice system" of the U.S., including its structure and functions.* There are a number of ways a person may be referred to this juvenile system--by court agencies, corrections agencies, community agencies, citizens (including parent or self), and direct observation by law enforcement agencies. For each, there are different procedures (e.g., petitions, bench warrants, arrests, complaints to police).

Whichever of these avenues the juvenile takes into the system, the decisions made at entry offer the same choices: custody (detention or jailing), arrest, release (usually with warning), referral to court, referral to another agency, or do nothing.

In some jurisdictions, a juvenile who is taken into police custody is taken to the police station for initial screening either by a regular police officer or by one specially trained for juvenile work. Limited hours of formal intake may limit the choices available to the contacting officer. Some jurisdictions have instituted 24-hour detention intake (on call, at the court, or at the place of detention). Jurisdictions vary in how they handle a juvenile just prior to court intake. In many juvenile justice systems, the police may perform a lengthy process of investigation and decisionmaking prior to court intake, and in these localities police are performing an intake function of their own that may last several hours. This could, like the field decision, lead to a termination of the case, referral to an alternate program or referral to court for formal intake.

In some jurisdictions, the first place to which a juvenile is brought will be a jail, police lockup, or detention center; or in a few jurisdictions, the juvenile may be delivered to an office of a youth service agency. More serious cases usually go directly to detention intake. In some localities, the juvenile may be taken to an after-hours probation officer at the officer's home, and the complete intake function is performed in this setting without the obvious threat of detention. Most youth service agencies do not offer help on a 24-hour basis. Therefore, many of the decisions that may be available for a juvenile at intake are not available because of the hour of the day or night, and the level of sophistication of the local intake process.

---

*See draft report entitled Juvenile Justice System Achievements, Problems, and Opportunities, by Charles P. Smith, American Justice Institute, Sacramento, January 1980, pp. 9-13.

Sparsely populated regions or States with regional detention facilities may hold a juvenile overnight or in temporary detention pending court intake. Such overnight detention may be provided by use of a secure room in a fireproof building, a hospital, a courthouse, or jail.

Most intake facilities are operated by the probation department as a service to the court. However, recent organizational arrangements, though varying by locale, have emphasized the ongoing evolution of probation departments toward performing intake functions somewhat independent of the court. At intake, the discretion allowed the duty officer varies between merely completing a police request to detain and full authority to detain, refer, or release.

Except for the initial detention, while the investigation is being made by the intake officer, the decision to file for court action is a decision logically made prior to the detention decision, though frequently made at the same hearing. A decision to file for court action and the subsequent filing of a petition would normally precede the detention hearing and is usually recommended by the intake officer to the prosecuting attorney. The detention is then usually shown as a prosecutor decision.

The prosecutor, though often shown as making only a few decisions in the official handling of the juvenile, usually related to filing a petition, does exercise a great deal of discretionary authority over a juvenile case that has been forwarded by the law enforcement component.

In any case in which a minor is alleged to be a person qualifying for prosecution in the juvenile court, a petition is submitted to the court through the prosecutor, usually followed by the intake (probation) officer's submission of a report on the behavior patterns and social history of the minor being considered in the petition.

The prosecutor's primary function is to evaluate the case in terms of legal sufficiency. The prosecution decision has two primary elements: to decide on the future status of the case (i.e., prepare a petition or complaint, or dismiss the case); and to decide on the detention status of the juvenile (i.e., hold in secure detention).

Often the detention decision is instigated as a formal request forwarded by the intake officer, suggesting either secure or nonsecure detention status for the youth. This request almost always accompanies a request for the filing of a petition or complaint.

Court procedures are sufficiently varied to complicate description. It is particularly important to distinguish between the physical movement of the juvenile and the progress of the case. A juvenile may physically be located at the intake or detention facility in either a secure or nonsecure environment. At the same time, the "case" may actually pass through several hearings where decisions are made by the court relative to the eventual status of the juvenile.

The many court phases may be shown as:

- The detention hearing,
- The preliminary hearing,
- The fitness hearing (to certify as adult or juvenile),
- The hearing of motions filed,
- The adjudication hearing (a hearing of fact), and
- The disposition (placement, release, probation).

Many juveniles will proceed directly to disposition from the preliminary hearing, while others will have multiple hearings, motions filed and heard, and special fitness hearings prior to the actual disposition. Despite the large number of different possible court procedures, not all of these court procedures exist in every system.

The disposition hearing has many varied dispositional alternatives. These options range from an acquittal to full commitment to either a State or local correctional agency. A court officer may, in order to conduct further social studies or because of a change in status, elect to withhold disposition and reprocess the case. The court may elect to be lenient and suspend the case with or without conditions imposed.

A large variety of alternate paths are available at this point. If probation is the disposition, then the juvenile may be referred to the probation department for formal or informal jurisdiction. A court may withhold disposition (due to a change in pre- or postadjudicative status of the juvenile) to order studies, or to continue the case. A court may commit to correctional facilities, some of which are local facilities. These are often under a different governing jurisdiction, and they are usually funded by county governments.

Duration of commitment may vary from the full length of internment to a shorter term due to, for example, a new offense while under the jurisdiction of corrections. Such a case would lead to a transfer of the case back to the court for possible reprocessing. Other options leading to termination of a case would be a normal discharge or placement in a pre-release unit or to place the juvenile in an aftercare situation.

In some jurisdictions, a commitment is made from the county to a diagnostic and reception center for all new cases. After what frequently results in a few weeks' stay, offenders are transferred to another program facility. Some States have a reception and diagnostic facility, but not a State youth bureau. In others, local judges make commitments directly to specific institutions and maintain control over changes in motions to be released.

Shelter facilities, psychiatric facilities, and institutions for the retarded are sometimes run by private agencies. Other States have specialized programs for retarded delinquents that are listed under correctional facilities if they are on the corrections budget. In many cases, however, the State purchases such services.

In some jurisdictions, the court may sentence a juvenile to a term in a State facility and then suspend that sentence and recommend a term of probation. Other court systems may sentence directly to an institution or directly to probation. If the juvenile were sentenced to a term in an institution, or on probation, and the juvenile failed to fulfill the obligations of the sentence, then that probation would be revoked and another disposition made.

Procedures for release or dismissal differ greatly among States and communities. In some instances, there may be a transfer of jurisdiction upon admission. The agency can then make an independent determination of when to terminate. In other situations, the committing judge retains control; in still others, a State board retains control. In all cases, the recommendation of the institution involved plays a large role.

The final status, in most instances prior to release from institutional control, is parole, which usually involves some surveillance for varying periods of time.

B. COURT HANDLING

The following are summary data on juvenile justice system (especially juvenile courts) handling of youth. These are national estimates.*

---

*Excerpted from a report prepared for OJJDP/NIJJDP entitled "Special Report: A Summary of Reported Data Concerning Young People and the Juvenile Justice System, 1975-1977," by Daniel D. Smith, National Center for Juvenile Justice, Pittsburgh, March 1980.

Since 1957 there has been a gradual increase in the rates of young people being processed by juvenile courts. In the 5 years prior to 1975, rates for delinquency cases disposed of by juvenile courts increased by 15.2 percent.

From 1975 to 1977, rates for delinquency cases disposed of by juvenile courts increased by 0.2 percent. (Because of methodological differences in the way estimates were developed prior to 1975, comparisons of rates for purposes other than trending are not advised.)

Between 1975 and 1977, the number of actual cases processed by the courts decreased by 3.6 percent from 1,406,100 in 1975 to 1,355,500 in 1977. During this same period, youth population at risk decreased by 3.8 percent. The difference between these two numbers explains the slight rate increase of 0.2 percent from 1975 to 1977.

Detention was used an average of 21 percent of the time for all cases processed by the courts from 1975 to 1977. There was a rate decrease of 6.8 percent in the use of detention from 1975 to 1976. There was a rate decrease of 7.8 percent in the use of detention from 1976 to 1977. There was an overall rate decrease of 14.08 percent in the use of detention from 1975 to 1977.

From 1975 to 1977, the following rate changes were found for reasons for referral:

Crimes Against People	-7.6%
Crimes Against Property	+12.3%
Drug and Alcohol Offenses	-16.9%
Status Offenses	-18.2%
Other Offenses	+15.8%

Referrals from law enforcement agencies represent 82 percent of the total referrals to juvenile courts. There were no meaningful changes in the trends regarding source of referral.

Rates reflecting the use of probation show a drop of 8.16 percent for 1975 to 1977. During the same period, no meaningful difference was observed for the use of delinquent institutions.

The ratio of cases involving males and females remained constant for the years 1975 through 1977: the male-female ratio was 76 percent to 24 percent.

Court statistics show that as young people increase in age, the likelihood of their involvement in the court increases markedly. For example, a person 17 years of age is almost four times more likely to be processed by the courts than a person 13 years of age.

C. CORRECTIONAL HANDLING

1. Use of Jails and Police Lockups*

An "adult jail" is a confinement facility administered by a local law enforcement agency, intended for adults but sometimes containing juveniles. A "police lockup" is a temporary facility that holds persons prior to their being formally charged in court.

The average length of stay for juveniles placed in adult jails during 1976 was 4.8 days. It is estimated that the average length of stay in an adult lockup for juveniles is 1 day. The average length of stay for juveniles placed in short-term public juvenile detention facilities in 1977 was 12 days.

A 1-day count taken by the U.S. Bureau of the Census in February 1978 throughout the Nation showed that 1,611 persons classified as juveniles were being held in adult jails, 1 percent of the total persons of all ages held in an adult jail on that day. Thus it is estimated that 122,503 juveniles were placed in jail during 1978 for 48 hours or more. This is a sharp reduction from the 593,125 juveniles which similar data suggest were jailed in 1970.

The 1978 jail census showed that the frequency of jailing for juveniles varied dramatically among the States,** with no juveniles in jail on that day in 4 States (District of Columbia, Maryland, Massachusetts, and New Jersey), 10 or fewer juveniles in jail in 8 States (Alaska, Georgia, Iowa, Maine, New Hampshire, North Dakota, Pennsylvania, and Utah), and that 11 States (California, Indiana, Kansas, Kentucky, Mississippi, New York, Ohio, Tennessee, Texas, Virginia, and Wisconsin) held 60 or more juveniles in jail.

Data collected by the National Juvenile Justice System Assessment Center suggest that 32 percent of those under 18 who are jailed or locked up are 16- and 17-year-olds in States where persons of those ages are considered adults.

Although accurate national data on the number of juveniles held in adult lockups is not currently available, some rough estimates can be made from data shown in the table below as collected by the Assessment Center.

---

*This section is largely excerpted from a draft report prepared for OJJDP/NIJJDP entitled, "Relative Costs of Removal of Juveniles from Adult Jails or Lockups," by Charles P. Smith, National Juvenile Justice System Assessment Center, American Justice Institute, May 21, 1980.

**Not including five states (Connecticut, Delaware, Hawaii, Rhode Island, and Vermont) which had integrated jail and prison systems.

JUVENILES IN ADULT LOCKUPS OR JAILS, TWO STATES, 1978 AND 1979

	WISCONSIN (1978)	ILLINOIS (1979)	TOTAL Number	TOTAL Percent
Adult lockups	5,693	6,572	12,265	51%
Adult jails	9,229	2,640	11,869	49%
TOTAL	14,922	9,212	24,134	100%

If it were assumed from the above table that, for each juvenile placed in an adult jail in all States combined, one juvenile was also placed in an adult lockup, it may be estimated that a total of 588,015 juveniles were placed in an adult lockup in 1978 in the 41 States which also placed juveniles in adult jails for periods exceeding 48 hours.

The characteristics of those juveniles or persons under 18 held in an adult jail or lockup during 1977 and 1978 can be suggested by using information available from several different sources:

- 8 percent of the persons under 18 were held for an alleged or adjudicated violent offense.
- 43 percent of the juveniles held had no known prior court contacts.
- 79 percent of the juveniles held were referred by law enforcement personnel.
- 83 percent of the juveniles held were males.
- 81 percent of the juveniles held were white.

Recidivism. National data are not available that make possible examination of recidivism among juveniles placed in various custodial alternatives prior to adjudication. However, a statewide study in Massachusetts found that the highest recidivism rates (based on receipt of a new probation sentence or a recommitment) among juveniles committed to various program types were for those placed in jails (71 percent) or secure care facilities (67 percent). The lowest recidivism rates were for those placed in foster care programs (41 percent), nonresidential programs (45 percent), and group homes (46 percent). The same study concluded that it is possible to put most young offenders in open settings without exposing the community to inordinate danger. Another recent study in four separate States showed that the use of rigid legal criteria for determining eligibility for secure detention resulted in a lower use of secure detention and no corresponding increase in rearrests or failures to appear for court hearings.

National data are not available comparing runaway rates among juveniles placed in all types of custodial alternatives pending adjudication. However, a study of 11 programs that functioned as alternatives to incarceration prior to adjudication showed that runaways in 1976 ranged from 0 to 10 percent with an average of 4 percent.

Costs. Average costs per day for several different forms* of juvenile care and custody in 1977 U.S. dollars are:

Home detention	$14	Jail	$24
Attention home	17	Shelter	34
Small group home	18	Secure detention	61

Variables affecting custody costs include:

- Security level,
- Residential or nonresidential placement,
- Degree of community isolation,
- Services provided in programs or out-of-programs,
- Staff/juvenile ratio,
- Sex of persons in custody,
- Percent of capacity, and
- Recidivism rate.

Per bed construction cost for a new large (e.g., 400-bed) high security facility in 1977 was estimated at $52,000. Per bed construction cost for a new or modified small, medium security facility for a jail is estimated to be 80 percent of that figure--$41,600.

A cost analysis can be made of placing juveniles in adult jails (with the required separation from adults) as compared to some alternative strategies.

The computation shows that continuing present jailing practices in the U.S. cost $24,132,109 for that group of juveniles over a 2-year period, as compared to $28,882,633 for removing all juveniles from jail and placing 10 percent in secure detention and the balance in small group homes.

---

*Home detention involves placement in the juvenile's home with daily contact by the field supervision staff with the juvenile and other key participants; attention homes involves sanctions and minimal security, but also community interaction and positive reinforcement; small group homes are open settings with 2-10 juveniles in residence and 24-hour supervision as needed; and shelters are open and short-term settings with minimum programs.

The above formula does not account for possible costs that may be due to factors such as transportation, regionalization, return to parents, delay in court processing, and availability of bail.

2. Detention and Institutionalization

The following are selected summary data regarding detention (in detention centers) and incarceration (in reform schools) of juveniles:*

- During 1977, an estimated 965,393 persons under 18 were held in custody** for varying lengths of time in public or private juvenile or adult detention or correctional facilities.
- Of the estimated 965,393 persons under 18 in custody during 1977, 83.3 percent were held in detention facilities prior to court disposition, including 122,503 in jails, 507,951 in juvenile detention facilities as suspected delinquent or status offenders, and 173,479 in juvenile detention facilities as nonoffenders.
- Of the estimated 965,393 persons under 18 held in custody during 1977, 16.7 percent were held in correctional facilities after adjudication.
- In 1977, 21.4 percent of the 1,401,705 persons referred to juvenile court were detained.
- Of the 1,177,084 individuals on whom court action was requested by court intake, 16.6 percent were placed in detention--93.2 percent of which was considered secure detention. Of those 195,633 placed in detention at the request of court intake, 83.6 percent were continued in detention after a detention hearing--93.2 percent of which was considered secure detention.
- During 1977, 369,652 persons under 18 were committed to juvenile correctional treatment agencies for probation (67.0 percent), a treatment facility (1.7 percent), a State correctional agency (14.1 percent), or a local correctional agency

---

*For the most part, these data are summarized in Juvenile Justice System Achievements, Problems, and Opportunities, op. cit., pp. 22-28.

**Does not necessarily reflect those persons who experience more than one stage of custodial processing during the year, nor those who are placed in the same custodial stage more than once during the year.

(17.2 percent). Of those committed to a local correctional agency, 14,523 were later transferred to a State correcnal agency.

- During 1977, 97,115 persons under 18 were placed by juvenile court in a juvenile correctional institutin, including 68.5 percent at the State level and 31.5 percent at the local level.

- Persons under 18 comprised 1.0 percent of all inmates of all ages in jails as of 1978, 1.0 percent of the inmates of State adult correctional institutions in 1974, and 1.4 percent of the inmates of Federal correctional institutions as of 1976.

- As of December 31, 1977, 76.0 percent of the 73,166 persons 18 who were in custody in a private or public juvenile detention facility, correctional institution, or shelter facility were there as a result of a detention action, and 7.5 percent were there as a result of a voluntary admission.

- As of December 31, 1977, 68.3 percent of the 55,566 persons under 18 who were in custody in a private or public juvenile detention facility, correctional institution, or shelter facility as a result of a juvenile court commitment were delinquent offenders, 18.5 percent were status offenders, 10.0 percent were dependent, neglected, or abused nonoffenders, and 3.2 percent were emotionally disturbed or mentally retarded nonoffenders.

- The average length of stay in custody during 1977 for persons under 18 included 14 days for persons detained in short-term public juvenile facilities as compared to 20 days in short-term private facilities, 184 days in long-term public facilities, and 291 days in long-term private facilities. Average length of stay for persons under 18 in jails in 1975 was 4.8 days.

- A 1979 survey of 213 jurisdictions showed that 23.9 percent of the 120,541 referrals handled by 24-hour on-site intake units were detained for more than 4 hours as compared to 28.9 percent of the 209,438 referrals handled by 24-hour on-call intake units and 29.9 percent of the 71,186 referrals handled by non-24-hour intake units.

- Of the at-risk population (7 through 17) of 38,629,000 in 1977, the juvenile court committed 0.96 percent (or 369,652) to a correctional or treatment agency. Among these, 0.25 percent of the at-risk population were placed in a correctional facility.

- There has been an estimated decrease of 4.57 percent in total persons under 18 committed, detained, or voluntarily admitted to public and private juvenile detention, correctional, and shelter facilities between June 30, 1974, and December 31,

1977. This includes a decrease of 7.36 percent in commitments, an increase of 44.28 percent in detentions, and a decrease of 34.26 percent in voluntary admissions.

- Between June 30, 1974, and December 31, 1977, there has been an estimated decrease of 7.36 percent in commitment of delinquent offenders to public or private juvenile detention, corrections, or shelter facilities as compared to an increase of 7.17 percent in commitments of status offenders, a decrease of 26.77 percent in commitments of dependent, neglected, or abused nonoffenders, and an increase of 9.99 percent in the commitment of other nonoffenders (including those emotionally disturbed and mentally retarded).

Preliminary data from the December 31, 1979 census of public detention and correctional facilities (conducted by the U.S. Bureau of Census) indicating the following:

Between 1977 and 1979 there was an 11 percent decrease in the number of youths admitted to detention centers (508,232 to 450,982), a slight increase (less than 1 percent) in the number of youth admitted to reform schools, a decrease of 9 percent in the average daily population of detention centers, and an increase of 9 percent in the average daily population of reform schools.

During this period there was a 10 percent increase in the daily average number of delinquents held in detention centers (8,715 to 9,417), a 40 percent decrease in the daily average number of status offenders held in detention centers (1,213 to 730), an 18 percent increase in the daily average number of committed delinquents held in reform schools (18,489 to 21,883), and a 53 percent decrease in the daily average number of committed status offenders held in training schools (1,743 to 818).

Synthesized data from the States monitoring reports indicate that the number of status offenders in reform schools decreased from about 200,000 in 1975 to about 49,000 in 1979.

3. Juveniles in Adult Prisons

A recent national survey of adult prisons*--conducted on January 1, 1979--revealed the following:

Of 273,389 inmates in adult prisons on that date, 2,697 (or 1 percent) were under the age of 18.

---

*The draft report on this survey is entitled Sentenced Prisoners Under Eighteen Years of Age in Adult Correctional Facilities: A National Survey by Harvey D. Lowell et al., The National Center on Institutions and Alternatives, Washington, 1980.

Between 1973 and 1979 the total population of U.S. prisons increased by 53 percent. During this period, the juvenile population increased by 37 percent. This contrasts sharply with what one might expect assuming a disproportionate increase in violent youth crime.

The most serious sentencing offense for youth in prison is more often a property offense (41 percent) than a violent crime (39 percent). These data strongly suggest that youth are sent to adult prisons for reasons other than the seriousness of the instant offense.

While noting that these data show that the recent increased public concern about violent juvenile crime is not borne out by the figures, the authors conclude that "it may be well not only to look elsewhere to see what happens to violent young offenders in the criminal justice system, but to reexamine the assumption that there has been a significant disproportional increase in violent youth crime" (p. 39).

D. JUVENILE JUSTICE SYSTEM HANDLING OF PARTICULAR CATEGORIES OF YOUTH*

1. Status Offenders

Based on available data regarding the processing of status offenses by the juvenile justice system, it appears that such events or individuals continue to make up a significant proportion of juvenile arrests, intake, and court caseload, as well as institutional populations. Although a large number of accused or adjudicated status offenders are diverted from formal processing at each step in the process, many are formally processed, detained, and eventually institutionalized. Recent data in relation to the major points in the juvenile justice system process are presented below.

With respect to arrests:

- In 1977, arrests for status offenses represented 13 percent of total arrests for persons under 18.

---

*The first part of this section is excerpted from a draft report prepared for OJJDP/NIJJDP, entitled "Status Offenses and the Juvenile Justice System: Progress and Problems," by David J. Berkman and Charles P. Smith, National Juvenile Justice Assessment Center, American Justice Institute, May 16, 1980. It includes data presented to NIJJDP/OJJDP in a "Special Report: A Summary of Reported Data Concerning Young People and the Juvenile Justice System, 1975-1977," by Daniel D. Smith, National Center for Juvenile Justice, March, 1980. This latter report is based on data gathered through the National Juvenile Justice Uniform Reporting System (described earlier). The reader is cautioned that such national data lack precision, because of different sources, varying definitions, lack of uniformity in records systems, and other reasons.

- Status offense arrests decreased by 17 percent from 1975 to 1977.
- In 1977, 54 percent of those arrested for status offenses were male as compared to 85 percent of arrests for less serious offenses* who were male.
- In 1977, 82 percent of those arrested for status offenses were white, as compared to 80 percent for less serious offenses and 68 percent for serious offenses.
- From 1975 to 1977, status offense arrests for black juveniles decreased 19 percent as compared to a decrease of 14 percent for white juveniles.

Thus, females, whites, and younger persons were most frequently arrested for status offenses in 1977. However, between 1975-1977, fewer juveniles were arrested for status offenses, with the decrease most notable for males and black juveniles. Concurrently, more juveniles are being arrested for less serious offenses. Although this trend would suggest that status offenses are being upgraded to less serious offenses, precise national data are unavailable to support that interpretation.

With respect to referrals:

- In 1977, persons under 18 arrested for status offenses accounted for 21 percent of all referrals to juvenile court intake. This compared to 27 percent in 1975.
- Runaway was the most prevalent status offense referred to intake during 1975-1976.
- In 1977, 35 percent of the status offense cases referred to intake were petitioned to juvenile court as compared to 42 percent for less serious offenses and 55 percent for serious offenses. This is a decline from 41 percent for status offenses in 1975.
- The establishment of 24-hour intake services results in increased diversion rates for status offenders.
- In 1977, police agencies referred 56 percent of the status offenders to juvenile court intake as compared to 62 percent in 1975. Also in 1977, 39 percent of the status offense

---

*Herein, "less serious offenses" refers to the broad range of offenses falling, on a contiruum, between status offenses and serious/violent offenses (as previously defined). Therefore, "less serious offenses" would include such law violative behavior as vandalism, drunkenness, shoplifting, and narcotic drug violations.

referrals to juvenile court intake were made by the family, citizen, self, or a community agency, compared to 29 percent in 1975.

Thus, between 1975 and 1977, there has been a trend for fewer police referrals of status offenders and more referrals by family, citizens, community agencies, and self; less use of detention for juveniles prior to referral; and fewer court filings of status offense cases.

With respect to dispositions:

- Between 1975-1977, there was a 40 percent decrease in the number of formal juvenile court dispositions of status offense cases that involved commitment to an institution.
- In 1975, 49 percent of the status offender cases referred to juvenile court were dismissed as compared to 44 percent in 1977.
- In 1977, 7 percent of the status offenders handled by juvenile court were given a restrictive* disposition as compared to 7 percent of the less-serious offenders and 11 percent of the serious offenders.
- Between 1975-1977, status offenders receiving a restrictive disposition decreased 43 percent.
- Runaway and ungovernability are the most likely status offenses to result in a commitment to an institution.

With respect to use of detention and correctional facilities:

- In 1977, 22 percent of persons referred to juvenile court for status offenses were detained, as compared to 18 percent for less serious offenses and 23 percent for serious offenses. This is a decline from 1975 when 40 percent of referrals for status offenses were detained.
- Females are more likely to be detained for status offenses than other offenses.
- In 1974, approximately 10 percent of the juveniles held in public juvenile detention or correctional facilities were status offenders as compared to 15 percent in 1977.

---

*Including commitments to delinquency institutions, public institutions, and private institutions.

Recent studies have shown that:

- The use of secure confinement for status offenders does not reduce their subsequent recidivism in comparison with offenders given community services. Secure confinement of status offenders provides no gain in deterrence over providing community services.

- While some deinstitutionalizing programs reduce the number of status offenders in detention, they tend to increase the time spent by those who are detained. This is especially the case with females.

2. Serious Offenders*

For the purposes of the OJJDP program about to be undertaken in this field, serious youth crime generally includes the following offenses: homicide or voluntary manslaughter, forcible sexual intercourse, aggravated assault, robbery, burglary of an occupied residence, larceny-theft of more than $1,000, auto theft without recovery of the vehicle, arson of an occupied building, kidnaping, extortion, and illegal sale of dangerous drugs. According to the Federal Bureau of Investigation's (FBI) Uniform Crime Reports (UCR), the first seven of these offenses (which are called "Index" offenses) are considered "serious" crimes. The first four of these are classified by the UCR as "violent." There is less agreement as to the seriousness of those "property" crimes classified by the UCR as serious offenses.

The following data help illuminate the picture regarding the nature and extent of serious/violent youth crime:

- Arrests of persons under 18 in 1977 for Index violent crime accounted for only 1 percent of the total arrests for all ages.

- In 1977, arrests of persons ages 7 through 17 for the four UCR Index violent crimes accounted for 3.7 percent of the total juvenile arrests.

- In 1977, arrests of persons 7-17 for all seven Index offenses accounted for 37.7 percent of the total number of juvenile arrests.

- Arrests of persons 7-17 in 1977 for the three Index property crimes made up 34 percent of the total juvenile arrests.

---

*This section draws primarily upon the draft "Background Paper for the Serious Juvenile Offender Initiative of the U.S. Office of Juvenile Justice and Delinquency Prevention," prepared by Paul S. Alexander et al., National Juvenile Justice System Assessment Center, American Justice Institute, Sacramento, Feb. 28, 1980.

- 81.6 percent of the persons under 18 arrested for Index offenses in 1977 were male.

- 68.2 percent of the Index offenses arrests for persons under 18 in 1977 were classified as "white."

- Within Index offenses, "whites" were arrested more frequently (70.4 percent) than "blacks or others" for property offenses, and "blacks or others" were arrested more frequently (51.8 percent) for violent offenses.

- Juvenile arrests for violent offenses increased in the U.S. from the early 1960's to 1975, after which they began to decline.

- Victimization surveys concerning crimes against persons for the period 1973-1977 indicate no evidence of an increase in the use of weapons by juveniles during that period.

These data help to put serious/violent juvenile crime into the proper perspective. Contrary to current popular misconceptions in the U.S.: violent youth crimes constitute a very small proportion of all criminality; such crimes do not appear to be increasing significantly; and use of weapons among juveniles does not appear to be increasing.

Nevertheless, serious/violent youth crime in America continues an important social problem. Its most troublesome aspect, perhaps, is that (as data presented in an earlier section of this report indicate) a small proportion of chronic juvenile offenders account for a large proportion of serious/violent offenses. Yet prediction of individual behavior of this type remains problematic at best.

3. Minorities*

The following data are from the National Juvenile Justice Uniform Reporting System, and constitute national estimates. (Females are not considered to be a minority group for purposes of this section.) These data and others have resulted in OJJDP becoming vitally concerned about minorities and the treatment they receive in the juvenile justice system.

---

*This section is excerpted from a report prepared for NIJJDP/OJJDP entitled "Special Report: A Summary of Reported Data Concerning Young People and the Juvenile Justice System," op. cit. Please see Section V of this paper for a discussion of these data.

- In 1977,* 72 percent of all cases referred to juvenile courts involved whites, 20 percent involved blacks, and 8 percent involved members of other racial minorities (including Hispanics, Mexican Americans, Native Americans, and Asian Americans).

- Members of racial minorities (including all nonwhite groups) who are processed by the courts have different demographic characteristics than do their white counterparts--for example, age, sex, reason for referral, and number of prior referrals.

- Holding constant the reason for referral, members of racial minority groups still are processed differently than white youths.

- Minorities are much more likely than whites to have had prior referrals. (A total of 55.1 percent of all cases involving minorities were comprised by individuals with one or more prior referrals; for whites, the figure was 40.5 percent.)

- Minorities are much more likely than whites to have had prior referrals during the current year. (While 53.2 percent of all cases involving minorities fell into this category, the figure for whites was only 24.1 percent.)

- Minorities are more likely than whites to be detained; however, within the detained category, whites are more likely to be detained in jails and police stations. (A total of 26.0 percent of all cases involving minorities resulted in detention; and for whites, the figure was 22.6 percent. Use of jail or police station detention was 3.2 percent for whites and 2.2 percent for minorities.)

- Minorities are more likely than whites to be charged with crimes against persons. (A total of 16.3 percent of all cases involving minorities were for crimes against persons. For whites, 6.4 percent of the cases involved crimes against persons.)

- Whites are more likely than minorities to be processed for status offenses.

- Minorities are more likely than whites to be institutionalized. (Although 6.2 percent of all minority cases resulted in institutionalization, only 4.0 percent of all white cases had this result.)

---

*All data presented in this section are for 1977, unless otherwise noted.

- Cases involving whites are likely to be processed more quickly than cases involving members of racial minorities. (Although 59.0 percent of cases involving whites are handled within one month, only 49.2 percent of cases involving minorities are handled within one month.)

- Holding constant the reason for referral, a member of a racial minority is still more likely to be detained than a white:

	White	Minority
Crimes Against Persons	24.0%	29.1%
Crimes Against Property	18.3%	22.0%
Drug and Alcohol Offenses	20.4%	25.6%
Status Offenses	33.8%	39.7%

- For crimes against persons, minority groups are more likely than whites to be institutionalized (25.2 percent versus 10 percent.

E. SPECIAL STUDIES

The following are significant studies in the juvenile justice system area sponsored by OJJDP/NIJJDP:

Juvenile Court Study: Due Process. This project involved developing baseline data regarding the characteristics, policies, and procedures or urban juvenile courts. It is focused on the relationship among court structural and operational characteristics, and due process of law, dispositional decisions, and administrative efficiency. A major objective of the study is to assess the effects of the Gault* decision on juvenile court operations.

A survey of a random sample of 70 of the 160 largest metropolitan juvenile courts has been completed. This survey covered the issues noted above. Its results are presently under analysis. The remaining 90 courts will also be surveyed in order to increase the depth and reliability of the findings.

The juvenile court services study is focused on the issue of whether or not juvenile courts should administer the wide range of services they typically provide. This project consists of three activities: (a) literature search; (b) analysis of social policy issues surrounding the evolution, constitutionality, and propriety of juvenile court operation of such programs as detention, probation, counseling, prevention, diversion, and unofficial probation; and (c) case studies in six States employing particularly innovative alternatives to traditional operation of such programs by juvenile courts.

---

*This U.S. Supreme Court decision (1967) afforded juveniles due process rights similar to those enjoyed by adults.

The waiver of juveniles to adult courts project consists of four phases: (a) literature search; (b) data collection to determine the number and type of juveniles who are waived to adult court, and court policies and practices in this area; (c) analysis of social policy issues surrounding the use of waivers; and (d) case studies in 8 to 10 States with respect to relative advantages and disadvantages resulting from the use of waivers.

National Assessment of Juvenile Corrections (NAJC). This project consisted of a nationwide assessment of juvenile corrections, with intensive examination of programs in 16 States. It included a survey of a sample of more than 1,500 youth in correctional facilities in the 16 States. Among these youth, 35 percent were committed for status offenses, 3 percent for probation or parole violation, 4 percent for misdemeanors, 9 percent for drug offenses, 34 percent for property crimes, and 15 percent for personal crimes (aggravated assault, rape, robbery, kidnaping, manslaughter, and murder). Thus, only about 15 percent of the youth in correctional facilities at the time of the NAJC survey were incarcerated for what typically would be considered serious/violent crimes.

The NAJC study also produced some other very interesting findings. For example, incredible variations in patterns of institutionalization were observed among the States. Some States committed about 20 times more youths to institutions than others (after controlling for difference in State populations). During Fiscal Year 1974, 43 reporting States spent slightly less than $30 million to operate community-based programs for juveniles. This sum was about one-tenth that spent in the same year on institutions, camps, and ranches.

The NAJC study found the 1974 average costs per offender-year for State institutions, camps and ranches to be $11,657. By contrast the 1974 average costs per offender-year for State-related community-based residential programs were $5,501--or less than one-half the cost of incarceration. NAJC project staff estimated that, collectively, 41 States could have realized a potential total savings of over $50 million during 1974 through the achievement of a 50 percent level of deinstitutionalization.

Massachusetts Evaluation. In 1969-72 Massachusetts replaced its reform schools for juveniles with community-based alternatives to traditional incarceration. Until 1980 Massachusetts was the only State that had deinstitutionalized statewide its large reform schools.* Only about 10 percent of the total number of youths presently committed to the Massachusetts Department of Youth Services are determined to require secure care.

The results of the evaluation indicated that youths did better in those regions where the new programs were firmly in place as compared to the old reform schools. However, youths in the more open residential and nonresidential programs did better than those in the more secure units. Youths in programs providing diversity of treatment options and extensive community linkages did much better than those in the programs which lacked these features. In addition, the community-based programs provide a much more humane and fair way of treating youth than did the large institutions previously used. A major conclusion of the study was that the important factors affecting success or failure with particular youth lay not so much in the qualities of specific individual programs to which the youth were exposed, but in the characteristics of the total social network for each youth in the community.

---

*The State of Vermont has recently done so.

State Subsidies for Juvenile Justice. This study consists of two phases: (a) data collection in 50 States regarding types and sizes of State-funded subsidies and other grant and aid programs used to support local juvenile justice programs; and (b) case studies in 10 States with particularly innovative State subsidies programs. The impact of Federal funds, relative to State subsidies and local funds, upon juvenile justice programs at the community level will be examined. The results of this assessment will assist States in using subsidies to (1) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population; (2) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and (3) discourage the use of secure incarceration and detention--as called for by the JJDP Act.

Group Care Facilities. A National Survey of Residential Group Care Facilities for Children and Youth and Alternative Agencies and Programs Providing Nonresidential Service to Children and Youth is being conducted under a grant to the School of Social Service Administration of the University of Chicago. The grant supports the first phase (18 months) of a national study of residential facilities and community-based alternatives to incarceration providing services to children and youth throughout the United States. The objective of the research is to describe the numbers and kinds of programs now available, and the youths being served by them, so that policymakers, planners, administrators, legislators, organizations concerned with children, and interested citizens will have available the information needed to evaluate and improve the quality of care provided to young people.

This study will, in part, replicate A Census of Children's Residential Institutions in the United States, Puerto Rico, and the Virgin Islands: 1966. The current study will be expanded to include selected residential programs, in addition to those institutions enumerated in 1966, and certain nonresidential programs as well. The 1966 effort surveyed institutions for children considered dependent and neglected, emotionally disturbed, and delinquent, such as psychiatric inpatient children's units, maternity homes, temporary shelters, and detention facilities. Institutions for the mentally retarded and physically handicapped were enumerated, but not surveyed. The new work will make possible an examination of changes that may have occurred in such facilities over a 15-year period. Organizations included in this research which were not covered in the earlier study will be surveyed to obtain comprehensive national data.

The present study will rely on data collected through two procedures. The first will be a questionnaire administered with the help of the National Opinion Research Center, located on the University of Chicago campus. The second will include site visits to a sample of organizations providing services to children and youth.

Juvenile Parole Research Project. This project represents the first phase (18 months) of a comprehensive study which will examine juvenile parole decisionmaking throughout the country. It will examine the organization of juvenile parole authorities, the policies and criteria used to arrive at parole decisions, and the effect of these decisions on the juvenile offender population. Information gathered from surveys and from onsite visits will be examined in the light of recommendations made by various national standard-setting groups which propose the elimination of indeterminate commitments of juvenile offenders in favor of determinate and proportional sentencing as a means of reducing the inequities in the juvenile parole process.

IV. ALTERNATIVES TO JUVENILE JUSTICE SYSTEM PROCESSING

A. BACKGROUND

The United States Congress expected that an extremely wide variety of community-based alternatives to juvenile justice system processing would be established to serve the bulk of youth previously or currently brought into the system. Its definition follows (Sec. 103(1)):

> The term "community-based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services. . . .

B. SPECIAL STUDIES

The following are significant studies sponsored by OJJDP/NIJJDP relating to alternatives.

National Assessment of Detention of Juveniles and of Alternatives to Its Use --This project consists of nationwide assessments of both secure detention and alternatives to its use. Among the findings resulting from review of relevant literature in conjunction with this research were the following:

(1) County jails are still used for temporary detention of juveniles, particularly in less populous States. Even in some more heavily populated jurisdictions, however, jails are used for some juveniles despite the existence and availability of a juvenile detention facility. In many States seeking to reduce the use of jails for the detention of juveniles the dominant alternative course is seen as the construction of a detention facility.

(2) Use of secure detention for dependent and neglected children appears to be on the decline as more jurisdictions develop either shelter care facilities or short-term foster home programs. Some jurisdictions, however, are known to misclassify dependent and neglected children as youths in need of supervision who then are placed in secure detention. The extent of the latter practice is unknown.

(3) Many jurisdictions still exceed the National Council on Crime and Delinquency's recommended maximum detention rate of 10

percent of all juveniles apprehended; the proportion of juveniles detained less than 48 hours continues to hover around 50 percent. These patterns are frequently cited as evidence of the inappropriate use of detention.

(4) Many jurisdictions are unable to mobilize the resources necessary to attend to children with special (neurological and psychiatric) needs. These children are then often detained, sometimes for excessive lengths of time.

(5) Status offenders tend to be detained at a higher rate than youths apprehended for adult-type criminal offenses and also tend to be held longer.

(6) Youths of racial and ethnic minorities tend to be detained at higher rates and for longer periods than others; females are detained at a higher rate and longer than males.

(7) Extralegal factors are more strongly associated with the decision to detain (versus release) than legal factors (those specified by juvenile codes). Time of apprehension (evening and weekends), proximity of a detention facility, and degree of administrative control over intake procedures have all been found to be associated with the decision to detain, in addition to those factors in items (5) and (6) above.

The actual extent to which these patterns of misuse exist either within or between States is unknown. Many States--and jurisdictions within States--still do not collect statistics at regular intervals on the use of secure detention.

In addition to the literature review, the research team conducted brief field studies of selected programs (alternatives to detention) in 14 jurisdictions. These were not randomly selected; rather, they were purposefully selected in order to include programs in cities of varying size; programs for alleged status offenders or alleged delinquents, or both; residential and nonresidential programs; and programs geographically representative of the U.S. The 14 programs were classified as follows: home detention, attention homes, programs for runaways, and private residential foster homes. All were programs currently in use as alternatives to secure detention for youths awaiting adjudication in juvenile courts. The following is a summary of conclusions the research team believed to be of immediate importance to individuals and organizations that may be considering the development of alternatives in their jurisdictions:

- The various program formats appear to be about equal in their ability to keep those youths for whom the programs were designed trouble-free and available to court. That is not to say that any group of juveniles may be placed successfully in any type of program. It refers, instead, to the fact that in most programs only a small proportion of juveniles had committed new offenses or had run away while awaiting adjudication.

- Similar program formats can produce different rates of failure, measured in terms of youths running away or committing new offenses. The higher rates of failure appear to be due to factors outside the control of the programs' employees--e.g., excessive lengths of stay due to slow processing of court dockets or judicial misuse of the program for preadjudicatory testing of youths' behavior under supervision.

- Any program format can be adapted to some degree to program goals in addition to those of keeping youths trouble free and available to the court, for example, the goals of providing treatment or concrete services.

- Residential programs--group homes and foster care--are being used successfully both for alleged delinquents and status offenders.

- Home Detention Programs are successful with alleged delinquents and with some alleged status offenders. However, a residential component is required for certain juveniles whose problems or conflicts are with their own families. Substitute care in foster homes and group homes and supervision within a Home Detention format have been combined successfully.

- The Attention Home format seems very adaptable to the needs of less populated jurisdictions, where separate programs for several special groups may not be feasible. The attention home format has been used for youth populations made up of (a) alleged delinquents only, (b) alleged delinquents and status offenders, and (c) alleged delinquents, status offenders, and juveniles with other kinds of problems as well.

- Thoughtfully conceived nonsecure residential programs can retain, temporarily, youths who have run away from their homes. Longer term help is believed to be essential for some runaways, so programs used as alternatives to detention for these youths require the cooperation of other social agencies to which such juveniles can be referred.

- Certain courts are unnecessarily timid in defining the kinds of youths (i.e, in terms of severity of alleged offense, past record) they are willing to refer to alternative programs. Even when alternative programs are available, many youths are being held in secure detention (or jail) who could be kept trouble-free and available to the court in alternative programs, judging by the experience of jurisdictions that have tried.

- Secure holding arrangements are essential for a small proportion of alleged delinquents who constitute a danger to others.

- The costs per day per youth of alternative programs can be very misleading. A larger cost can result from more services and resources being made available to program participants. It can also result from geographical variations in costs of personnel and services, inclusion of administrative and office or residence expenses, and underuse of the program.

- A range of types of alternative programs should probably be made available in jurisdictions other than the smallest ones. No one format is suited to every youth, and a variety of options among which to choose probably will increase rates of success in each option.

- Appropriate use of both secure detention and of alternative programs can be jeopardized by poor administrative practices. Intake decisions should be guided by clear, written criteria. Judges and court personnel should monitor the intake decisions frequently to be certain they conform to criteria.

- Since overuse of secure detention continues in many parts of the country, the main alternative to secure detention should not be another program. A large proportion of youths should simply be released to their parents or other responsible adults to await court action.

Based on the literature review and field studies, the research team made the following recommendations to juvenile courts that may be considering the introduction of alternative programs of any kind.

(1) Criteria for selecting juveniles for secure detention, for alternative programs, and for release on the recognizance of a parent or guardian while awaiting court adjudication should be in writing.

(2) The decision as to whether youths are to be placed in secure detention or an alternative program should be guided, insofar as possible, by written agreements between the responsible administrative officials. These agreements should specify the criteria governing selection of youths for the programs.

(3) The decision to use alternative programs should be made at initial intake where the options of refusing to accept the referral, release on the recognizance of a parent or guardian to await adjudication, and use of secure detention are also available. It should not be necessary for a youth to be detained securely before referral to an alternative program is made.

(4) An information system should be created so that (a) use of secure detention, alternative programs, and release on parents' recognizance can be cross-tabulated at least by type of alleged offense, prior record, age, sex, race/ethnicity, and family composition; and (b) terminations by types of placements from secure detention, alternative programs, and release on parents' recognizance status can be cross-tabulated with tables such as type of new offense, length of stay, and disposition as well as the variables listed in (a) above.

(5) Courts should adjudicate cases of youths waiting in alternative programs in the same period of time applicable to those in secure detention.

Massachusetts Evaluation. In 1972 Massachusetts replaced its training schools for juveniles with community-based alternatives to traditional incarceration. Only about 10 percent of the total number of youths presently committed to the Massachusetts Department of Youth Services are determined to require secure care.

The results of the evaluation indicated that youths did better in those regions where the new programs were firmly in place as compared to the old training schools. However, youths in the more open residential and nonresidential programs did better than those in the more secure units. Youths in programs providing diversity of treatment options and extensive community linkages did much better than those in the programs which lacked these features. In addition, the community-based programs provide a much more humane and fair way of treating youth than did the large institutions previously used. A major conclusion of the study was that the important factors affecting success or failure with individual youth lay not so much in the qualities of specific individual programs to which the youth were exposed, but in the characteristics of the total social network for each youth in the community.

V. CURRENT ISSUES AND NEEDED DIRECTIONS

A. DEINSTITUTIONALIZATION

Data presented in the previous section substantiate the importance of assigning top priority to removal of youth from adult jails, police lockups, juvenile reform schools, and juvenile detention centers. Alternatives are readily available. However, several issues need addressing. First, let us briefly reconsider the data.

When examined in light of the JJDP Act, the data presented earlier on this issue are both encouraging and discouraging. First, let us consider the status offender areas where the data are encouraging. The findings indicate nearly a 50 percent reduction in the level of incarceration of status offenders in public detention centers and reform schools from 1977 to 1979, and a greater reduction in reform schools from 1975 to 1979. During the 1977 to 1979 period, the number of all youths admitted to detention centers decreased by 11 percent, and the average daily population of detention centers decreased by 9 percent. However, the average daily population of delinquents in both detention centers and reform schools increased during the same period (by 10 percent and 18 percent, respectively). Consider also that the number of all youths admitted to reform schools increased slightly (less than 1 percent) and the average daily population of reform schools increased by 9 percent. Furthermore, there was an 18 percent increase in the daily average number of committed delinquents held in reform schools from 1977 to 1979.

Therefore, these data indicate a sharp decline in the level of incarceration of status offenders but a significant increase in the level of incarceration of delinquents. These findings raise several questions to which answers presently are not available. For example: Are status offenders being relabeled delinquents? Is an increasing number of delinquents being incarcerated? Does "institutional inertia" (i.e., the need to fill beds) account for these developments? These and other related questions cannot be answered without considerring other data sources and developing more complete and accurate national data.

As the data presented earlier in this report clearly indicate, efforts to deinstitutionalize America's juvenile justice system need to be intensified. While considerable progress has been made in removal of status offenders from detention centers, and more recently from institutions, their detention in jails and police lockups needs prompt attention. At the same time, added emphasis must be placed on removal from secure settings of all categories of delinquent youth. The result would be a fairer and more humane system of justice.

The OJJDP has defined deinstitutionalization as referring to the removal of all juveniles from inappropriate placements and the development and implementation of policies and strategies to ensure that inappropriate placements are not continued. The results should include:

- Reduced use of detention,
- Reduced use of jails,
- Removal of status offenders and nonoffenders from correctional facilities,
- Increased use of the least restrictive alternative,
- Maximum use of other Federal resources, and
- Uniform Federal policy pertaining to deinstitutionalization.

B. REMOVAL OF JUVENILES FROM JAILS AND POLICE LOCK-UPS

Highest priority must be given to removal of juveniles from adult jails and police lockups. Increased use must be made of less costly community alternatives, such as outright release, home detention, shelter care, group care, etc. Their use will greatly assist in accomplishing this objective.

The OJJDP is about to launch a major action program designed to support the removal of juveniles from jails and police lockups. Funds will be provided for less costly alternatives, such as those noted in the previous section of this paper.

Other resources can be made available as well. These include use of State subsidies, various funds of other Federal agencies, formula grant funds made available to the States under the JJDP Act, and other sources of State and local support.

Since the manner in which youth are detained reflects societal values and humanitarian concerns, this society cannot afford any longer to expose its youth to such inhumane conditions as those that exist in our Nation's jails and police lockups.

C. SERIOUS YOUTH CRIME

The most significant issue pertaining to serious/violent youth crime is not whether it is important. Instead, there presently exists in this country a great deal of misunderstanding about the actual level of such criminality, and a lack of consensus as to what to do about it. While many States and local jurisdictions are now focusing a relatively larger portion of their resources on violent youth criminality, others continue to respond to less serious crimes as if they were more serious. The time has come to recognize that it is possible to reserve incarceration in reform schools for 5 to 10 percent of the presently incarcerated population. The State of Massachusetts has clearly demonstrated that this is feasible, without experiencing increased criminality.

D. MINORITIES IN THE JUVENILE JUSTICE SYSTEM

Data were presented earlier in this report on the representation of minorities in the U.S. juvenile justice system. While these data suggest that differential handling of minorities in relation to non-minorities exists in several aspects of juvenile justice system processing, the following points need to be given consideration.

First, while the data presented earlier resulted from analyses in which the reason for referral (or instant offense) was held constant, prior offense history was not. Subsequent analyses are currently being conducted which will take into account offense history.

Second, these data cover only one year. Subsequent analyses are currently being conducted covering several years.

Third, there are a number of studies which have examined differential handling of minority youth. These have not produced conclusive results.

Fourth, a recent nationwide assessment of case disposition and classification revealed contradictory conclusions wth respect to factors accounting for differential handling of minorities.*

Because of OJJDP's vital concern with this issue, it has, as a first step, undertaken a comprehensive program of research, through its Institute, on minority issues. In addition to sponsoring research to be conducted by minorities on minority issues (including a particular focus on juvenile justice system handling of minorities), the minority research program has as its major objective involvement of minorities in the identification of research issues and increasing their involvement in NIJJDP's program of research.

E. ROLE OF THE JUVENILE COURT

The JJDP Act contains several provisions which call for improvement in the administration of juvenile justice as it pertains to juvenile courts. As stated in the "findings" section of the Act (101(a)), the Congress found that:

> (3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet

---

*A National Assessment of Case Disposition and Classification in the Juvenile Justice System: Inconsistent Labeling, Charles P. Smith et al., National Juvenile Justice System Assessment Center, American Justice Institute, Sacramento, 1980.

> the needs of the countless abandoned and dependent children, who, because of this failure to provide effective services, may become delinquents....

In his address of October 12, 1979, before the New Jersey Reform Conference, U.S. Attorney General Benjamin Civiletti noted that:

> The third observation in the 1974 Act was directed at the juvenile justice system itself, at the procedures followed in the family court and other judicial bodies which hear cases involving minors. In the past, it was widely assumed that juvenile delinquency was a social disorder which required appropriate treatment rather than punishment. The practice of keeping juvenile cases away from regular prosecutorial channels, and entrusting them instead to social workers in a nonadversarial process, was largely based on this assessment and outlook. As we now know, however, this system, despite its good intentions, did not work very well. Curiously, it came under attack increasingly from all sides and persuasions. The system was considered overly paternalistic at the expense of some of the basic rights accorded those accused under our legal system. The juvenile justice system seemed to have become another instance of an institution designed to protect a certain class of people which unexpectedly worked against their interest.
>
> As a result, changes began to appear. In the last few years several States have "recriminalized" juvenile delinquency, redefining it as a crime rather than a social disorder. Prosecutors have been given more authority to deal with juvenile cases, and the adult courts are playing a larger role as well. The problem is that the system still lacks uniformity of purpose and outlook and is therefore as unpredictable, if not more so, than it was several years ago. Different States may have procedures which bear no resemblance to each other. Needless to say, it is far from clear that this situation will provide a greater deterrent effect. At any rate, the present lack of predictability and uniformity undermines our ability to inculcate in our youth a respect for justice and the legal system.

These observations clearly point to the need for a careful and thorough reexamination of the future role of juvenile courts in this country. This need is buttressed by the fact that in a number of jurisdictions radical changes have already been made--such as removing juvenile court jurisdiction over status offenders. Further changes are no doubt forthcoming.

F. ROLE OF CORRECTIONS

At the heart of this issue is found the age-old dilemma: punishment versus treatment. While society must make this choice, it is the intent of Congress that the traditional correctional system should focus on serious/violent offenses; that when confinement is necessary, it is imperative that such incarceration be humane.

That some States incarcerate youths at a rate as much as 20 times that of other States points to the need to examine judicial and correctional policies and procedures.

The general issue which requires thoughtful dialog is what the objectives of juvenile corrections should be. Development of some consensus on this issue would greatly enhance improvements in our Nation's correctional practices.

G. WAIVER OF JUVENILES TO ADULT COURT

In the U.S., juveniles may be processed by (that is, in effect, waived to) adult court in five ways:

1. States may exclude certain offenses from juvenile jurisdiction--both the most serious crimes and the most trivial. Often an offense for which the death penalty or life imprisonment can be imposed is automatically a matter for the adult criminal court, although a few States provide for "reverse waiver": the adult court sends the case back to juvenile court. At the other end of the scale, such matters as minor traffic offenses or fish and game violations usually do not come to juvenile court.
2. Juvenile courts may waive jurisdiction, thus transferring the case to criminal court, usually after a hearing.
3. In 12 States, the maximum age of juvenile court's jurisdiction is below 18; thus youths of 16, 17, or even 15 are considered adults for the purposes of criminal law.
4. In a few States, prosecutors can decide whether to file in juvenile court or criminal court.
5. In a few States, the accused juvenile may request trial in adult court.

Although some legislators and other policymakers seem to have perceived adult courts as tougher when they acted to bring more youths under adult jurisdiction, some juveniles given the option do indeed elect to be tried as adults--either because they seek the more rigid due process provisions of adult court or because they seek to avoid the usually indeterminate nature of juvenile sentencing.

Few States make any special statutory provision for the treatment of young offenders brought before the criminal courts. It is interesting to note, however, that among these States is New York, where the juvenile court's jurisdiction does not extend past the 16th birthday. New York also is one of the States which does not permit waiver of cases from juvenile to adult jurisdiction.

As was noted earlier, the NIJJDP has funded a national study of practices and policies associated with waiver of juveniles to adult court. Its results are expected to be available by the end of 1980.

H. DUE PROCESS

Increased emphasis is needed on procedural safeguards to ensure that the legal and civil rights of youth are protected as first-class citizens. This improvement in the administration of juvenile justice will go a long way toward establishing a fairer system of justice, resulting, as the Attorney General has noted, in the deterrent effect that ensues from respect generated by the juvenile justice system.

I. RETURN OF JUVENILE JUSTICE TO THE JUVENILE SYSTEM OF JUSTICE

Because of its lack of uniformity in procedures and objectives, its paternalistic origins, and, more recently, its rapidly changing focus, America's juvenile justice system has not consistently and uniformily defined its clientele. Tremendous variations exist from jurisdiction to jurisdiction. Recent development in some U.S. States in this area include increased waiver of juveniles to adult court, lowering the upper limit age for juvenile court jurisdiction, more severe sanctions (dispositions) for certain offenses, and narrowing the scope and functions of juvenile courts.

Except for the latter of these, a result of other recent developments has been to place too much reliance on the adult criminal justice system. Thus, what is needed is a diminishing of this trend, for the concept of a distinct system of justice for juveniles and children is a sound one.

J. STANDARDS IMPLEMENTATION AND MODEL LEGISLATION DEVELOPMENT

As Attorney General Civiletti has observed, there is a serious lack of consistency in the way in which juvenile justice is administered in this country. This, he suggested, has resulted in our inability to instill in youth respect for justice and the legal system.

The JJDP Act mandates OJJDP to assist in the development, refinement, and implementation of standards for the administration of juvenile justice. Their adoption will help improve the broader system of juvenile justice and make a major contribution toward achieving the objective Attorney General Civiletti has put forth: consistency.

Another mechanism which will also help is the development and incorporation into law of model juvenile justice legislation embedded in appropriate standards.

Very shortly, the OJJDP plans to establish a "Resource Center" designed to provide information on standards for the administration of juvenile justice including guidance in procedures for their endorsement, adoption, and implementation. The Center will also provide information and assistance in the development of model legislation in the juvenile area.

These vehicles will serve to be more effective toward improving juvenile justice if supported by youth advocacy in behalf of youth rights and responsibilities. In addition, incorporation of law-related education into the curriculums of our Nation's schools will help make youth more responsible and knowledgeable citizens--especially regarding their rights and responsibilities under the law and as citizens. Adults need to be so informed as well.

K. DELINQUENCY PREVENTION

Priority must be given to prevention of juvenile delinquency. Its importance was stressed by U.S. Senator Birch Bayh in the course of development of the JJDP Act:

> Witnesses before the Subcommittee have emphasized their frustration that in many communities there are few if any services for a youth until he becomes involved in the juvenile justice system. Equally frustrating for those involved in the juvenile justice system, is how few alternatives are available within the juvenile justice system. Frequently a juvenile judge only has the possibility of returning a juvenile to his home, putting the child on probation or in an institution. What is needed are programs in communities aimed at preventing children with a high probability of delinquent involvement from behavior leading into the juvenile justice process. At each step along the way that children seem headed for trouble, the community should be able to choose the least amount of intervention necessary to change the undesirable behavior. It is often vital that the youth be reached before becoming involved with the formal juvenile justice system. In the first, instance, preventive services should be available for identifiable, highly vulnerable groups to reduce their expected or probable rate of delinquency. If children commit acts which result in juvenile court referral, then an attempt should be made to divert them from the juvenile court. When youth commit serious crimes and must clearly be subjected to the jurisdiction of the juvenile justice system, then the preferred disposition should be community-based treatment.

S.821 is the long-needed comprehensive Federal program to provide meaningful alternatives for youth inside and outside the juvenile justice system. The development of these alternatives is vital to the well-being of our nation's youth.*

---

*Report of the Committee on the Judiciary, U.S. Senate, Juvenile Justice and Delinquency Prevention Act of 1974, 93d Congress, 2d Session, U.S. Government Printing Office, 1974, p. 111.

In 1980 the OJJDP has placed a new emphasis on nationwide program planning using the national data base that has been developed through its Institute. A Planning Team has been established within the Office, consisting of representatives of each of its units. The main objective of the team is to identify priority objectives for the Office over the next 3 to 5 years.

The Planning Team recommended that OJJDP organize its activities and target its resources around three major themes: prevention, deinstitutionalization, and serious juvenile crime.

Prevention was selected because it is a central purpose of the JJDP Act. Deinstitutionalization was recommended as an area of major concern to the Office in light of the specific mandates of the JJDP Act and recent information which indicates that additional efforts are needed to accomplish mandates in this area. Finally, given heightened public concern over serious youth crime, the disproportionate impact of this smaller group of offenders in the juvenile justice system, and the likelihood of increased emphasis on serious youth crime in the forthcoming 1980 amendments to the JJDP Act, the third theme was identified as the serious juvenile offender.

The Planning Team further recommended that deinstitutionalization be the priority area of focus for the OJJDP during fiscal year 1981.

APPENDIX

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION*

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), formally established on June 25, 1975, by the Juvenile Justice Delinquency Prevention Act of 1974, was created to provide a focal point for programs and policies relating to juvenile delinquency and juvenile justice. The Office is statutorily organized into the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) and an Office of Programs which presently consists of two operating divisions, the Formula Grants and Technical Assistance Division and the Special Emphasis Division. In addition, the Office is responsible for coordinating the Federal effort focused on juvenile justice.

The Office:

- Coordinates Federal juvenile delinquency programs,
- Provides formula grants to the States,
- Awards discretionary grants through the Special Emphasis Program, and
- Provides technical assistance to Federal, State, and local governments, agencies, and organizations.

The Office, through the NIJJDP:

- Conducts research into the problems of juvenile delinquency and evaluates juvenile justice programs,
- Develops standards for the administration of juvenile justice,
- Provides training for persons working or preparing to work in the delinquency field, and
- Acts as an information clearinghouse.

---

*This appendix is excerpted from the Fourth Analysis and Evaluation: Federal Juvenile Delinquency Programs, OJJDP, U.S. Department of Justice, December 31, 1979.

The following pages describe the programs and activities of the Office of Juvenile Justice and Delinquency Prevention in this order:

- the Concentration of Federal Effort;
- Formula Grants and Technical Assistance;
- the Special Emphasis Grant Program; and
- the National Institute for Juvenile Justice and Delinquency Prevention.

1. Concentration of Federal Effort

Under the Concentration of Federal Effort Program the Administrator of the OJJDP is responsible for implementing overall policy and developing objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system. The Administrator advises the President, through the Attorney General, as to all matters relating to federally assisted juvenile delinquency programs.

As mandated in Sections 204(a), 204(b)(3), and 204(3), The JJDP Act calls for the Office of Juvenile Justice and Delinquency to:

- Develop objectives and priorities for all Federal juvenile delinquency programs;
- Conduct and support evaluations of Federal juvenile delinquency programs;
- Implement Federal juvenile programs among and with other Federal agencies;
- Develop annually a concise report of Federal juvenile delinquency programs;
- Provide technical assistance to governments and agencies concerning juvenile delinquency programs; and
- Develop a comprehensive plan for Federal juvenile delinquency programs.

National Advisory Committee. The National Advisory Committee (NAC) for Juvenile Justice and Delinquency Prevention was also created by the JJDP Act.

The NAC is composed of 21 members appointed by the President and is mandated to meet at least four times a year to make recommendations to the Congress, the President and the Administrator of the OJJDP.

Recent actions of the NAC include the following:

The NAC recently approved several motions regarding reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, and the reorganization of the Law Enforcement Assistance Administration (LEAA). The committee recommended that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) be included as a separate organizational entity under the Office of Justice Administration, Research, and Statistics (OJARS). They urged that the Director of the Office of Management and Budget and a member of the President's Domestic Council be included in the Federal Coordinating Council in order to carry out its functions more effectively. The NAC recommended that the language in the section of the Act pertaining to State Advisory Groups (SAG's) be changed to state that SAG's shall advise the Governors and State legislatures, as well as State Planning Agencies (SPA's).

During the year, the NAC formed an Ad Hoc Committee on the International Year of the Child. That group presented several motions, which were adopted by the full NAC. Among those was a recommendation the OJJDP fund between 8 and 10 hearings to be conducted by "The Children's Express." The hearings were to focus on the strengths and weaknesses of treatment of children in State institutions and detention centers.

The NAC encouraged OJJDP to enter into an agreement with the U.S. State Department and the United Nations to conduct a 60-nation study of children's rights and customary law.

The Committee also encouraged OJJDP to fund the Girl's Club of America's 1979 International Year of the Child project. It was to focus on the exploitation of female youth.

In the area of new research pertaining to children, the Committee urged the NIJJDP to look at crime rates and various youth-serving systems in U.S. Territories and foreign countries. A grant to the National Academy of Sciences to study the most effective way to achieve the goals of the Act also was suggested by the NAC. During this reporting period, NIJJDP began the task of educating the public about the new Clearinghouse--an information dissemination tool strongly encouraged by the Institute Subcommittee.

The NAC dealt extensively with the problem of the juvenile who has committed a violent crime.

The NAC encouraged OJJDP to reduce the percentage of resources spent on research and increase the amount going into information dissemination and training.

In other action, the Subcommittee made recommendations concerning the television film, "Scared Straight," which depicted the Juvenile Awareness Project at Rahway Prison in New Jersey. The full NAC adopted recommendations which opposed "any immediate legislative or programmatic replication" of the highly publicized program. The recommendations cited preliminary research findings which questioned the validity and success of such a program--in light of possible psychological abuse and due process issues. The NAC also supported sending a letter detailing its stand on "Scared Straight" to the Governors of each State and the media.

Federal Coordinating Council on Juvenile Justice and Delinquency Prevention. The Department of Justice, through LEAA/OJJDP, has been given responsibility for setting objectives and priorities for all Federal juvenile delinquency programs. The Coordinating Council on Juvenile Justice and Delinquency Prevention is an independent organization in the Executive Branch of the Federal Government established by the JJDP Act. The Council is responsible for coordinating all Federal juvenile delinquency programs.

The Coordinating Council is composed of the Attorney General (chairman); the Secretary of Health, Education, and Welfare; the Secretary of Labor; the Secretary of Housing and Urban Development; the Administrator of the Office of Juvenile Justice and Delinquency Prevention (vice-chairman); and the Director of the National Institute for Juvenile Justice and Delinquency Prevention.

The JJDP Act of 1974, Section 206(c) states:

> The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to the Attorney General and the President at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities. The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of Section 223(a)(12)(A) and (13) of this Title.

The strong emphasis on coordination found in the JJDP Act stemmed from convincing evidence presented to Congress demonstrating severe fragmentation in the Federal Government's response to youth crime. Congress found that past attempts to coordinate these programs resulted in failure.

Today, the Coordinating Council is in a better position to fulfill its legislative mandates than at any time in its history or in the history of its predecessor bodies. For the first time in the 19 years of attempts to coordinate Federal juvenile delinquency programs, the Council at its meeting on September 19, 1979, cleared the way for real progress. OJJDP proposed, and it was adopted, that the Council focus its activities in 1980 (and beyond) on eight critical areas; that the Council be provided contract support; and that the Council develop an annual agenda and work plan around the eight critical areas for 1980. The end result is that the Council will have, for the first time, the following: minimal staff support; clearly articulated goals, objectives, and well-delineated tasks; and an organization that permits the most advantageous use of the relatively small amount of time members or designees can devote to Council business.

The Juvenile Justice and Delinquency Prevention Act sets out six tasks that the Council is expected to perform on an annual or continuing basis. Two additional tasks, while not required by Congress, logically ought to be of interest to the Council. LEAA/OJJDP recommended that the Council organize its work around the following eight tasks:

1. Conduct reviews and make recommendations regarding Federal juvenile delinquency policy, objectives, and priorities (Section 206(c)).

2. Coordinate Federal juvenile programs in accordance with established policy (Section 206(c)).

3. Provide input, conduct reviews, and make recommendations on the Annual Analysis and Evaluation required under Section 204(a).

4. Make annual recommendations to the Attorney General and the President with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities (Section 206(c).

5. Conduct reviews of the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of Section 223(a)(12)(A) and (13) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

6. Conduct reviews and make recommendations to the Office of Juvenile Justice and Delinquency Prevention with respect to the annual delinquency development statements submitted under Section 204(1)(2)(3).

7. Conduct reviews and make recommendations regarding joint funding proposals involving OJJDP and other Federal agencies.

8. Conduct reviews and make recommendations to OJJDP regarding OJJDP's annual program plan for Concentration of Federal Efforts (see Section 204).

Attorney General Benjamin R. Civiletti appeared before the Council and indicated his strong support for its work. He said that this is a time of special opportunity for the Council, a decade ending and a new decade beginning, a total reorganization of the base agency, and a new head of the Office of Juvenile Justice and Delinquency Prevention. Mr. Civiletti told the Council to look to his support and involvement in 1980 as the Council moves to an expanded and active role in the Federal juvenile delinquency effort.

2. Formula Grants Program/Technical Assistance

Formula Grants Program. The JJDP Act provides formula grant funds to participating States and territories.* All States are eligible for a minimum of $225,000 a year. The annual allotment to American Samoa, Guam, the Trust Territory, and the Virgin Islands is $56,250. During fiscal year 1979, $61,630,250 in Federal funds were available as formula grants. Although the awards are viewed as formula grants, they are in reality a performance contract, because each participating State must achieve specific changes in its juvenile justice system and the way in which services are delivered to young people.

The major objectives of the Formula Grants Program follow:

- To assist State and local communities with resources to develop and implement effective methods of preventing and reducing juvenile delinquency;
- To increase the capacity of State and local governments to conduct effective juvenile justice and delinquency prevention programs;**
- To promote and expedite system and process changes necessary for the deinstitutionalization of status offenders from detention and correctional facilities; and
- To remove or provide adequate separation of juveniles alleged to be delinquent or found delinquent from adults incarcerated in jails and other correctional facilities.

All States and territories participating in the JJDP Act Formula Grants Program are required to develop and submit a comprehensive plan application embodying provisions of the Act. This application must be submitted by an agency designated by the chief executive officer of the State or territory. As an example of the specific provisions required in the plan application, the following must be addressed:

---

*Based on their relative populations under the age of 18.

**To divert juveniles from the traditional juvenile justice system, and to provide alternatives to institutionalization.

(1) Provisions for the deinstitutionalization of status offenders from juvenile detention or correctional facilities;

(2) Provisions for the separation of juveniles from adults incarcerated in jails and other correctional facilities;

(3) A detailed study of the State's needs for an effective, comprehensive, and coordinated approach to delinquency prevention and the improvement of the juvenile justice system; and

(4) Establishment of a State Juvenile Justice Advisory Group to provide recommendations to the chief executive officer for the improvement of the system and for advising on funding decisions within the State.

The OJJDP's Technical Assistance and Formula Grants Division also reviews compliance with the maintenance of effort provision of the Omnibus Crime Control and Safe Streets Act. This provision requires that at least 19.15 percent of all Federal funds awarded to States and territories under that Act be expended for programs directly related to delinquency prevention or the improvement of the juvenile justice system. In those entities participating in the JJDP Act program, these funds are generally used to support the objectives of the JJDP Act. In all States, the funds are supporting the overall thrust of improvement of the juvenile justice system.

Technical Assistance. The JJDP Act requires the OJJDP to provide technical assistance to Federal, State, and local governments and public and private agencies in developing and implementing juvenile delinquency programs.

The OJJDP has developed a technical assistance strategy to support four major goals which accomplish the mandates of the JJDP Act. They are:

(1) To reduce the commission of acts by juveniles which are categorized as delinquent or status offenses;

(2) To alter traditional approaches to juvenile behavior which is often punishable as a status offense, and to the treatment of children who have been labeled dependent or neglected;

(3) To establish programs which offer alternative responses to delinquent behavior and which reduce the commission of delinquent acts by juveniles who have had official contact with the juvenile justice system; and

(4) To improve the administration of justice for juveniles.

The OJJDP is especially concerned with several objectives which relate to the goals outlined above, namely, alternatives to secure confinement; removing juveniles from adult jails and lockups; maximum utilization of existing resources; deinstitutionalization of status offenders and nonoffenders; legislative reform; monitoring for compliance with the deinstitutionalization and separation requirements of the JJDP Act; building community support for positive system change; increased management capability; and delinquency prevention.

More than 750 instances of technical assistance have been delivered by the OJJDP since the Technical Assistance Program began late in 1976.

ODJJP's technical assistance plan for FY 1980 will continue to support the four goals which accomplish the mandates of the JJDP Act. Some $3 million for technical assistance are available this year. Funds will be used to provide technical assistance support to the planned FY 1980 Special Emphasis initiatives, including New Pride Replication, Advocacy, Serious Offenders, and Alternative Education. Technical assistance will continue to be available to the States in implementing the JJDP Act, in monitoring compliance with the Act's mandates, and in preventing juvenile delinquency.

3. Special Emphasis Program

OJJDP's Special Emphasis Division is responsible for implementating Section 224 of the Juvenile Justice and Delinquency Prevention Act. In carrying out this responsibility, the Special Emphasis Division is responsible for the development and implementation of grants programs which implement and test program strategies and approaches according to the following mandates:

- Develop and implement new approaches, techniques, and methods in juvenile delinquency programs,
- Deinstitutionalize categories of juveniles from correctional facilities through development and maintenance of community-based alternatives to traditional forms of institutionalization,
- Divert juveniles from traditional juvenile justice and correctional systems,
- Improve the capacity of public and private agencies and organizations to provide services to juveniles thought to be in danger of becoming delinquent,
- Develop and implement model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions,
- Rehabilitate serious offenders and support programs which prevent serious juvenile crime,
- Facilitate the adoption of standards for the administration of juvenile justice, and

- Develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system.

One type of discretionary aid is provided by LEAA from funds authorized by the 1968 Crime Control Act; the other is provided by the JJDP Act. Discretionary funds may be granted to States, local governments, organizations, or individuals. At least 30 percent of the Special Emphasis funds are earmarked each year for private nonprofit organizations and institutions with experience in dealing with youths.

These discretionary funds are being used to support program initiatives in priority areas. The development of the objectives and goals of each initiative is based on an assessment of the existing data and previous research and evaluation studies undertaken by NIJJDP. Each initiative is then coordinated with technical assistance and evaluation efforts.

The following initiatives have been developed since the OJJDP was established:

Deinstitutionalization of Status Offenders. The purpose of this effort was to design and implement model programs to prevent the entry of juvenile status offenders into correctional institutions and detention facilities and to remove such juveniles from institutions and detention facilities by providing community-based alternatives and using existing diversion resources. Removal was to result in reduction of the total population of juveniles in detention centers and correctional institutions within the designated jurisdictions, as well as to provide assurance that reentry would not occur following the grant period. A total of about $13 million has been invested in 13 projects in the OJJDP program since 1976.

An independent national evaluation of the OJJDP Deinstitutionalization of Status Offenders (DSO) program was funded through the Office's NIJJDP. The evaluation found that:

Project sites reduced detention of status offenders by 43 percent.

Although the overall reduction in incarceration of status offenders in reform schools attributable to DSO projects could not be calculated, several sites achieved reductions of 50 percent or better.

Services were provided to about 16,000 youths during the 2-year Federal support period.

The DSO program achieved significant gains in receptivity to deinstitutionalization objectives among court personnel. However, this achievement was limited by a general insistence on the part of court personnel to retain jurisdiction in status offense cases, largely frustrating the destigmatization aims of the DSO program.

With few exceptions, the police viewed the status offender program as undermining the deterrent effect of their work.

Although an extremely large volume of services was provided, their variety was extraordinarily narrow--restricted almost entirely to family counseling and residential placement. This resulted in little opportunity to evaluate possible differences in behavior outcome related to different services.

In the absence of deinstitutionalization legislation or established administrative practices toward this aim, programs designed to influence incarceration practices close to the "front end"--when status offenders enter in the juvenile justice system--tended to be relatively more effective. The critical decision point is most commonly at court intake.

In comparing youngsters in the programs with those who were not, little difference was observed in the program's impact on youth. However, this does not support retaining secure detention or placement (in reform schools) of status offenders. This is especially true in view of the analysis which showed lower costs (up to about 20 percent) associated with DSO programs than with justice system processing.

Examination of what type of services worked best for different categories of youth indicated that: (1) foster care may be particularly beneficial for runaways and for the very small number of program types and families so demoralized and conflict-ridden that the children could not be returned home; (2) long-term residential placement may be beneficial for more serious offenders, those with more extensive prior records; and (3) it appears that standard counseling services may be detrimental overall.

Prevention. In the fall of 1977 the OJJDP awarded 16 grants, some of which have received continuation funding, for a total of approximately $17 million, to private, not-for-profit youth-serving agencies for the purpose of expanding existing activities and developing new activities for youth in communities with high rates of delinquency. The program was designed to explore the extent to which private youth-serving agencies could mobilize resources and expand services to youth.

The project activities fell into three areas: direct services, community development, and capacity-building. Recreation, education, employment, vocational training, and counseling were the most frequently provided services. The community development and capacity-building efforts included such activities as outreach, informing the community about youth activities, development of networks among youth-serving agencies, staff training, and providing transportation for youth.

The preliminary results of the national evaluation of the delinquency prevention program, sponsored by NIJJDP, indicate that direct services were the predominant activity. Community development and capacity-building strategies proved to be more difficult for private youth-serving agencies to develop and implement. The youth served ranged from under 10 to over 18 years of age. The clients included approximately equal numbers of males and females; 52 percent were black and 26 percent were white. Based on factors traditionally associated with high risk for involvement in delinquency, it appears that the projects were serving the appropriate target population.

Other preliminary findings are:

- Grantees confronted many difficult problems of organization change and adaptation during the first year. Multiagency collaborations experienced the most problems in operation.
- Prevention projects lack clearly formulated theories of delinquency to guide the development of program strategies.
- Most grantees experienced little involvement by community residents (youth and adult) in program planning and implementation.
- Sociopolitical factors such as racism, sexism, poverty, and unemployment greatly impinged on project operations.

Other preliminary findings are currently under review by OJJDP. These results are being used to help design a major research and development program focused on delinquency prevention, as outlined below.

Diversion. In the fall of 1976, the Office funded a program of 11 diversion projects, the awards for which have totaled approximately $13 million over the past 4 years. This program was designed to divert from the juvenile justice system, and provide community-based alternative services for, youth who otherwise would be adjudicated delinquent in the juvenile court.

The 11 projects focused on juvenile offenders charged with serious offenses, excluding murder, armed robbery, and forcible rape. The purpose of this national initiative was to develop and test effective means of diverting juveniles from involvement with the traditional juvenile justice system at the critical points of involvement and to determine the significance of providing effective and coordinated services to a portion of those youths so diverted.

The NIJJDP-sponsored national evaluation of OJJDP's diversion initiative was designed to answer the following major questions: (1) What difference does diversion (as opposed to juvenile justice system referral) make for youth and the juvenile justice system? (2) What difference does service delivery make (as opposed to diversion without services)? The evaluation is also addressing such issues as the impact of diversion programs on juvenile justice system processes and procedures, and the extent to which diversion programs actually reduce the level of delinquent adjudications.

This evaluation has also been designed to test "labeling theory" --theory which the Congress implicitly endorsed in the course of developing the JJDP Act. This theoretical view is based, in part, on the idea that labeling youth as "delinquent" or "bad" sets into motion a self-fulfilling prophecy that results in subsequent delinquency or inappropriate behavior. To test this theory and obtain answers to the above questions the OJJDP diversion initiative has been designed to divert youth at three points in the system: police handling, court intake, and the preadjudication hearing. Results of this evaluation are expected later this year.

School Crime. In late 1976, OJJDP developed two interagency agreements with the Office of Education (OE) of the U.S. Department of Health, Education, and Welfare (HEW) for the purpose of establishing a joint Federal agency effort to deal with juvenile crime and disruption in U.S. schools. Approximately $6 million in OJJDP funds were transferred to HEW to support development of projects to deal with the above problems.

The first agreement, with HEW's Teacher Corps program, involved 10 action projects designed to demonstrate how the intervention model of student-initiated activities (SIA) could be used to reduce crime and its associated fears in school settings.

The SIA concept presumes student assumption of responsibilities, and implies certain levels of student maturity and skills. Further, student-initiated activities logically proceed from student concerns and interests. Major project activities were expanded to include 14 categories most with two or more subcategories: (1) school/community advisory councils, (2) Teacher Corps staff training, (3) site school staff inservice training, (4) training for adult role group participants (e.g., parents, police officers, agency representatives), (5) academic tutoring/counseling programs, (6) school curriculum development, (7) formal organization for student participants, (8) work skills training activities, (9) group recreational activities, (10) SIA project action teams, (11) community-based activity centers, (12) training of student participants, (13) ethnographic analysis of site school community, and (14) film/videotape documentation of project activities.

The second of the two interagency agreements was made with HEW's Alcohol and Drug Abuse Education Program (ADAEP). The established ADAEP school team approach continued to be utilized in assisting schools in developing and implementing appropriate local strategies aimed at preventing and reducing the incidence, severity, and consequences of crime and disruptive behavior. Such behavior generally takes the form of personal and property offenses, drug and alcohol abuse, and other problems within the schools. Teams composed of teachers, students, administrators, community members, and others received training and technical assistance to facilitate the design, implementation, and evaluation of crime prevention action programs in local schools and school districts. Some 20 school clusters comprising 75 school teams were trained, and followup technical assistance was delivered to the 142 school teams trained in FY 1978.

NIJJDP has sponsored an evaluation of the OJJDP-OE school crime program. Answers to four major questions are being sought through it:

- Outcome: Are there measurable changes in the level of crime and fear of crime in the schools participating in the Schools Initiative Program?

- Quality Control: Were the programs funded by OJJDP through the Office of Education carried out as intended?

- Model Development: What approaches, with what underlying rationales, appear to work best under different conditions or in different school settings?

- Development Process: What is involved in bringing about specific changes in the schools (obstacles encountered, resources used, interventions which can be implemented most readily, etc.)?

The final report of the evaluation is expected to show in what settings and with what combinations of training, technical assistance, and level of involvement of school administrators, students, and other resources school intervention programs are the most effective. The Phase I findings now available indicate that the school team approach is an effective way of dealing with crime and disruption in schools, but suggest that the approach is not equally effective in all settings.

The following are among the more specific and interesting preliminary findings of this evaluation:

- For schools to work effectively in crowded inner-city areas, they need a strong academic focus on traditional basic subjects, and they need to assure safety for students. In the absence of these two elements, innovative programs, including alternative academic programs, student participation, and other approaches, are likely to fail.

- Teacher morale is important in schools that are effectively reducing crime and fear of crime. The level of morale appears to be dependent upon the presence of a strong (believable) school principal. In the absence of such a principal, teacher morale is unlikely to improve even though various forms of human relationship enhancement (training) may be provided.

- Training of school intervention teams for program development appears to be effective only in the presence of effective team leadership, support by school leadership, and positive movement toward schoolwide problem-solving.

- In order for a school intervention team to be effective, it must have influence on all aspects of the school's program (academic, personnel services, school lunch, security, administration).

- o Both "democratic" and "authoritarian" school leaders can be effective. Democratic leadership works in settings where there is expectation for such leadership, sufficient stability of social context, and credibility of leadership. Where authoritarian leadership works, it must be consistent (fair) and strong. Such leadership is most likely to be found in urban schools, with predisposition for it among faculty, power groups, and students. For only reducing crime and disruption in schools, an authoritarian leader may be best. Where preparation of students for citizenship in a democracy is the goal, a democratic leader would be preferred. In the latter case the problem is to establish the context (school setting) for this form of leadership.

Restitution. In FY 1978, the OJJDP initiated a program entitled, "Restitution by Juvenile Offenders: An Alternative to Incarceration," which called for the development of projects that would provide a restitution alternative to adjudicated juvenile offenders who would have otherwise been incarcerated.

For purposes of this program, restitution is defined as payments by a juvenile offender in cash to a victim, or service to either the victim or the community, under the jurisdiction of the juvenile court.

The OJJDP funded 23 restitution grantees in FY 1978 and, in FY 1979, the OJJDP funded an additional 18 grants for a total of 41 projects in the amount of nearly $20 million. These grantees were made up of five statewide projects; nine private, not-for-profit agencies; and various court, court-related, or human service agencies. These grantees estimate they will serve 33,400 youths over the 2-year period.

NIJJDP is sponsoring a national evaluation of the OJJDP restitution initiative. Its major objectives are to develop information on the types of restitution programs that are most likely to: reduce juvenile recidivism; increase victim satisfaction and/or have the greatest impact on members of the community, in terms of their views of operations of the juvenile justice system; to develop information on the comparative cost effectiveness of different types of restitution programs for achieving each of the above alternative goals; and to develop descriptive and analytical information on implementation processes and problems, and on changes in program operating procedures. The evaluation design includes process and impact components. The latter consists of intensive evaluations of 6 of the 44 projects. A management information system developed by the national evaluator has been implemented at all of the projects.

Data from the system indicate that, as of May 1980, the projects had received 8,960 referrals. Of these, 75 percent were closed in full compliance with the original restitution order. Monetary restitution plans are most common (69 percent). The majority of the referrals are 15- to 17-year-old white males. Approximately 75 percent were serious and/or repeat offenders (defined as first offenders who have committed serious property or personal crimes or youth with one or more prior offenses who have committed property crimes of at least moderate seriousness). Further evaluation results are expected shortly.

Replication of Project New Pride. The Denver (Colorado) New Pride project has been selected for replication by the OJJDP because of its demonstrated effectiveness in working with a target population of serious juvenile offenders through a core of integrated and comprehensive services which have been described as a "holistic approach." Since its inception in 1973, Project New Pride has demonstrated success in keeping serious offenders in the community, reducing recidivism rates, improving academic abilities, employing youth, and reducing incarceration.

OJJDP awarded $8,677,000 in March 1980 to support 10 replication sites for two years; third year funding is expected if funds are available. NIJJDP will support a national evaluation of the New Pride Replication, and the original New Pride program in Denver will provide the ongoing technical assistance to the replication sites. It is expected that the New Pride Replication projects will be integrated into ongoing programing through local and private funding, as it is generally viewed by juvenile justice agencies as a successful approach to reducing recividism and improving the social functioning of multiple, serious offenders.

Youth Advocacy. In the Spring of 1980, the Office funded a major action program on Youth Advocacy, with 19 projects funded at a total cost of $11,900,000 and individual projects ranging up to $750,000 for 2 years. Third year awards are anticipated if funds are available and performance has been satisfactory. For the purposes of this program, the term "youth advocacy" refers to a process whereby the administration of juvenile justice, social service, and education can be improved through the active support and representation of youth interests and needs by advocacy groups. Advocacy approaches which are the major thrusts of this program include, but are not limited to: (1) effective coalition building among public and private groups and organizations to address the needs of youth; (2) meaningful youth participation in policy decisions affecting youth for the purpose of better defining youth needs and influencing the policies, practices, and utilization of funds in youth-serving institutions; and (3) effective legal advocacy in support of the above two approaches for the purpose of protecting the interests and rights of children and youth.

The overall objective of this program is to develop, test, and support methods of advocacy which stimulate and facilitate needed changes and enhanced accountability in the administration of juvenile justice and the delivery of education and social services. The specific objectives are:

- to realize specific system reforms at the State and local levels leading to greater availability and better quality of services to youth by juvenile justice, education, and social service agencies and institutions; and

- to increase knowledge about elements essential to development and implementation of effective youth advocacy projects in order to facilitate replication of such projects in other States and localities.

This program is aimed at challenging policies and practices of youth-serving institutions that systematically exclude youth from meaningful participation in programs that supposedly exist for them, and as a consequence provide services which are not responsive to the real needs of youth. These institutions have contributed to the inability of youth to survive and compete in society, and to their alienation, isolation, and delinquency. The major areas of concern include: (a) lack of accessibility to quality services; (b) lack of due process safeguards in agency proceedings; (c) inequitable and improper classification and disposition of youth cases; (d) lack of accountability of agency officials; (e) adverse elements in statutes, agency regulations, and procedures affecting youth; and (f) lack of resources and inequitable deployment of resources for youth programs.

Alternative Education. OJJDP has developed for funding in FY 1980 a major discretionary program to prevent delinquency through projects designed to keep students in school and to prevent unwarranted and arbitrary suspensions and expulsions, reducing the extent to which students drop out and are pushed out of school. These awards are expected to total about $11 million, of which $3 million is a transfer of funds from the U.S. Department of Labor.

The major goals of this program are:

- To develop and implement strategies and techniques in alternative education in public and private not-for-profit schools which improve those educational policies, practices, and procedures which affect the academic and social development of youth;

- To upgrade the quality of existing alternative education programs by improving curriculum development, staff training, youth and parent participation, and administrative policies and practices of schools and school districts;

- To reduce the number of student dropouts, truants, suspensions and expulsions, and delinquency in schools and where these programs operate; and

- To prepare students for employment and/or successful participation in postsecondary training or education.

Violent Offender R&D Program. OJJDP has developed a research and development program scheduled for funding (at the initial level of about $4 million) in FY 1980. Focused on violent juvenile crime, the major objectives of this program are:

- To test program models for the screening, prosecution, and reintegration that are designed to reduce violent crimes committed by youth in the program; and

- To test strategies for increasing the capacity of the juvenile justice system to handle violent juvenile offenders fairly, efficiently, and effectively.

This program is based on the following rationale:

(1) Violent juvenile offenders are disproportionately involved in the juvenile justice system, i.e., although their number is very small, they account for a significant proportion of arrests for violent offenses. Their crimes also tend to generate negative public reaction and calls for harsher treatment for all juvenile offenders.

(2) Given the lack of knowledge of effective approaches for the prevention and treatment of juvenile violence and the small amount of available funds, resources should be concentrated on testing strategies for prevention of violent juvenile crime, and the screening, prosecution, and reintegration of violent juvenile offenders.

The overall program will consist of two parts. Part one focuses on reintegration of the violent juvenile offender; part two, on prevention of violent juvenile crime through indigenous community efforts.

The following results are sought from the overall program:

- The development of effective models for the screening, prosecution, treatment, and reintegration of violent juvenile offenders into the community;

- An increased concentration of juvenile justice system resources on the screening, prosecution, treatment, and reintegration of violent juvenile offenders into the community; and

- A reduction in the number of violent juvenile crimes committed by participating youth.

Removal of Juveniles From Adult Jails and Lockups. During FY 1980 OJJDP plans to fund a nationwide program focused on removal of juveniles from adult jails and lockups. Awards for projects under this program are expected to total approximately $3 million over a 2-year period.

This program is designed to help communities fully implement Sec. 223(a)(13) of the JJDP Act. It is aimed at providing alternative programs and services to reduce the use of adult jails and lockups for the detention of children. It is also intended to challenge the policies and practices which result in the inappropriate placement of juveniles in adult jails and lockups. Persistent indicators consistently identify the less visible and often more brutal practice of inappropriate confinement of juveniles in jails and lockups, which needs immediate attention and rectification. In virtually all of the rural areas of the country, the sole resource for those alleged juvenile offenders who cannot immediately be returned to their own homes pending court appearance is the local jail or municipal lockup. These antiquated facilities are often unsuitable for adult offenders, much less juvenile offenders. The substandard living conditions found in many are the subject of widespread litigation under the eighth amendment.

The major areas of concern include:

- A general lack of alternative residential and nonresidential programs for youth awaiting court appearance.
- Lack of community resources to deal effectively with status offenders and nonoffenders in the schools and within the family structure.
- Legal services that are often inaccessible on an immediate basis and/or unavailable even in the long run.
- Low public visibility of the practice ot jailing juveniles brought on by a lack of organized or informal youth advocacy efforts geared to the deinstitutionalization issues.
- The existence of unique situations which greatly increase the incidence of status offenses in certain areas, particularly those involving out-of-state runaways on interstate highways and seasonal migration to resort areas.
- A lack of 24-hour intake screening and a lack of objective intake criteria.

The following results are sought from this program:

(1) The removal of juveniles from adult jails and lockups;

(2) The development of a flexible network of service and placement options for alleged juvenile offenders and nonoffenders based upon: (a) the least restrictive alternative, and (b) maintenance of a juvenile's family and community ties;

(3) A planning and implementation process for removal which: (a) is based upon a recognition of youth rights and due process and which promotes the advocacy of such, and (b) uses active citizen participation and youth involvement;

(4) The development and adoption of intake criteria, consistent with the standards of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and other

nationally recommended standards, for alleged juvenile offenders and nonoffenders who are awaiting court appearance;

(5) An enhanced capacity for parents, schools, and police to resolve problems of youth in a nonjudicial manner and thus alleviate the use of jails and lockups. This includes, where appropriate, the coordination and integration of public and private child welfare services; and

(6) An identification and description of viable alternatives to the use of jails and lockups.

Delinquency Prevention Research and Development Program. The OJJDP is presently developing for funding in FY '80 (at the level of nearly $3 million for the initial investment) a major R&D program on delinquency prevention. It consists of two parts. The first is a test in one community of the comprehensive model which focuses on the family, school, peer groups, and employment. It is anticipated that this test will require a minimum of 5 years to complete.

The second part involves a test of school-based prevention programs in four to six communities, based on the most promising strategies which are compatible with the school-based components of the comprehensive model. Generally, applicants are required to indicate their understanding of the purpose of the R&D progam, and the feasibility of implementing such a program in the school or school district. OJJDP will select the hypotheses to be tested and the program components to be implemented--based, in large part, on the background materials and recommendations of expert consultants.

The comprehensive model is an empirically based social development model for preventing delinquency. Background work included a comprehensive review of theories and research on the causes of delinquency, secondary analyses of 10 self-reported delinquency data sets, and a national survey of prevention programs. This work resulted in the recommendation that an integration of control and social learning theories offers considerable promise of a more complete, valid and useful theory of delinquency and its prevention.

The following are the major objectives of this program:

- To implement, in four to six sites, a chosen set of primary and secondary prevention programs which deliberately and systematically apply certain contemporary delinquency theories and research findings.
- To apply rigorous experimental and quasi-experimental evaluation research designs to the programs implemented in order to:
  - assess the impact of the programs on delinquent behavior and some closely related variables;

-- assess the effectiveness of the various program elements; and

-- add to the understanding of processes which generate delinquent behavior and how such behavior can be reduced.

4. National Institute for Juvenile Justice and Delinquency Prevention*

The NIJJDP is located within the OJJDP. It has responsibility for five statutorily-mandated functions: information, research, evaluation, training, and standards.**

Information. NIJJDP gathers information through a variety of approaches, including national assessments, surveys, censuses, and reporting systems. It seeks information through these as well as from other sources in an effort to fulfill its Congressional mandate to serve as an information center and clearinghouse on all aspects of juvenile delinquency.

Data and information gathered by NIJJDP are highlighted in the following three state-of-the-art sections of this paper.

A Juvenile Justice Clearinghouse has been established in the National Criminal Justice Reference Service to serve the entire OJJDP and the juvenile justice field in the U.S. It has the following objectives:

(1) Information support to OJJDP;

(2) Detailed and personalized responses to information requests;

(3) Establishment of a toll-free telephone line (800-424-2856) for easy access by the user audience (primarily intended for the private, nonprofit youth worker community);

(4) Assistance to NIJJDP/OJJDP in preparing reports for publication;

(5) Creation and dissemination of special publications (information packages) through rewriting and tailoring reports and information for specialized audiences; and

---

*NIJJDP's Annual Report: Fiscal Year 1979 (OJJDP, U.S. Department of Justice, U.S. Government Printing Office, March 1980) describes the projects it has funded since its establishment in 1975.

**See Part C, Secs. 241-250 of the JJDP Act.

(6) Referral service in relation to other clearinghouses, thereby establishing a network of information dissemination activity.

Research and Evaluation. NIJJDP's research, evaluation, and program development functions ensue from Sec. 243 of the JJDP Act, which authorizes the Institute to:

> conduct, encourage and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency.

Since 1975 NIJJDP has sponsored a broad program of research, evaluation, and assessment activity. Research and evaluation projects and results significant to this paper are noted in the following state-of-the-art sections on delinquent behavior, the juvenile justice system, and alternatives to juvenile justice system processing.

Training. Since its establishment, NIJJDP has provided support for a major training program conducted by the National Council of Juvenile and Family Court Judges (NCJFCJ). It is focused on improving the operations of the juvenile justice system (particularly juvenile courts) through provision of "basic training" in juvenile justice for juvenile court judges, other court-related personnel, and other juvenile justice system personnel. This is accomplished mainly by an annual series of courses provided through NCJFCJ's National College of Juvenile Justice.

In 1979 NIJJDP launched a major program of "law-related education" (LRE). This is a somewhat new development in the field of education. The LRE concept--which most generally refers to a variety of methods of teaching youth (and adults) their rights and responsibilities under the law--is about a decade old now. It is a rapidly developing "movement" focused on how the law (in its broadest form) affects the lives of U.S. citizens, and how the formal justice system works. In addition, the LRE concept embraces various other areas of knowledge and skills important for developing responsible citizenship among youth--such as authority and responsibility. The major attraction of LRE is that it fills a critical void in the curriculums of America's schools since the above subjects are rarely taught.

Over 200,000 individuals, including juvenile court judges, other court personnel, juvenile justice system staff, youth policy decisionmakers, students, teachers and other youth-related workers received NIJJDP-sponsored training between 1975 and the end of 1979.

NIJJDP plans to establish shortly a National Juvenile Justice Training Center in response to Secs. 248-250 of the JJDP Act. These sections of the legislation call for an extremely comprehensive training activity--which includes all categories of personnel related to the administration of juvenile justice (including lay persons).

NIJJDP's National Juvenile Justice Training Center will serve as a clearinghouse and information center on training throughout the U.S. Its main services, following startup in the first year, will be that of (1) providing access to existing training opportunities across the Country for selected juvenile justice personnel; (2) development of curriculum materials; and (3) provision of some support to existing training efforts in order to expand them and create a specific focus on priority mandates of the JJDP Act and OJJDP goals and objectives. Emphasis will be placed, where appropriate, on making available descriptive information, including evaluative information on existing training opportunities. A limited program of training in advanced techniques in juvenile justice focused on the priority mandates of the JJDP Act (e.g., deinstitutionalization and removal) is expected to be provided for key decisionmakers in the field.

Standards. Sec. 247(a) of the JJDP Act authorizes NIJJDP, under the supervision of the National Advisory Committee (NAC), to review existing reports, data, and standards relating to juvenile justice in the U.S. The Act also calls for support of efforts aimed at adoption of standards for the administration of juvenile justice throughout the U.S., at the Federal, State, and local levels. NIJJDP is authorized by Congress to develop model State legislation consistent with the mandates of the JJDP Act and the standards developed by the NAC.

To date, the standards activities of NIJJDP have concentrated primarily on supporting the development and review of juvenile justice standards by national organizations concerned with improving the juvenile justice system. The standards resulting from various efforts have generated considerable interest in and intensive debate over the future direction of the juvenile justice system in the United States. The major juvenile justice standards-development efforts include those of the National Advisory Committee on Criminal Justice Standards and Goals Task Force on Juvenile Justice and Delinquency Prevention, the Institute of Judicial Administration/American Bar Association Joint Commission on Standards, the American Correctional Association Commission in Accreditation for Corrections, the American Medical Association Program To Improve Medical Care and Health Services in Correctional Institutions, and the National Council of Juvenile and Family Court Judges.

OJJDP is about to undertake a substantial program of support for standards implementation, together with model legislation. In addition to incorporating national standards into its program activities, OJJDP is currently making preparations to assist States and localities in their review, adoption, and implementation of standards. Due to the limited financial resources of the Office, its role will primarily be limited to provision of information and technical support in the above areas. Direct financial support of implementation itself is not feasible at this time.

Several States have already modified their juvenile legislation consistent in many areas with the provisions of the JJDP Act and certain national juvenile justice standards, such as those developed by the Institute for Judicial Administration and the American Bar Association. Those particular standards have influenced a number of legislative changes consistent with reforms in the administration of juvenile justice called for by the JJDP Act.